

HOUSE OF REPRESENTATIVES—Monday, May 6, 1991

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
May 6, 1991.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

As we face the decisions that so affect our lives, we pray, gracious God, that we will weigh our judgments in the light of Your spirit and Your truth. We know that beliefs point in the direction of justice and our faith can point to the values that make life purposeful. So teach us to see our decisions with the light from Your spirit so we may receive Your guidance and strength in all we do. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will recognize the gentleman from Ohio [Mr. GILLMOR] to lead us in the Pledge of Allegiance.

Mr. GILLMOR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

THE WORKING FAMILY TAX RELIEF ACT OF 1991

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, the past decade has not been a good one for

America's working families. For middle-income families, it was a time of retrenchment and of worrying about how they can afford to provide a better life for their children. For the working poor, the last 10 years brought real hardship in the struggle simply to survive and to remain independent. For children, the past decade made them the innocent victims of the fragile economic condition of their families and it made poverty more of a reality for many.

It is not difficult to find the reason for this bad news. At the same time that America's working families were being squeezed and squeezed hard, the party begun by the Reagan administration was going strong. This exclusive gathering allowed the wealthiest Americans to sit at the table, while working families were forced to stand. It provided the few with a bounty of riches by taking something away from everyone else.

What about the working American families who were not even invited to this party? Their situation worsened as they were forced to pay the bill with a substantial increase in taxes and a real loss of income. As a result, they've had to find ways to survive on less.

I am here today to announce that the Reagan party is over. Working families should not have to struggle to survive and they should not have to bear a disproportionate share of America's tax burden. They are the backbone of our Nation and they deserve tax relief. That is why, along with Senator AL GORE, Congressmen GEORGE MILLER and DAVID OBEY, I am introducing the Working Family Tax Relief Act of 1991. I invite you to examine this proposal and look forward to your comments.

THE WORKING FAMILY TAX RELIEF ACT OF 1991

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, today Senator AL GORE, the gentleman from New York [Mr. DOWNEY], the gentleman from Wisconsin [Mr. OBEY], and I, introduced legislation called the Working Family Tax Relief Act of 1991.

This act challenges the blatantly inequitable income policies of the 1980's and sets a new course that rewards families for working.

Without increasing the Federal budget deficit or violating the budget agree-

ment, the Working Family Tax Relief Act puts more money directly into the pockets of working families with children—the millions of families who go to work every day only to come home to bills they cannot afford for expenses they cannot avoid, like child care, health care, and payments on their homes.

This legislation is a direct response to the phenomena of the 1980's: The failure of the economic expansion to benefit all Americans, and the dramatic increase in the number of mothers who work outside the home and the number of parents who work but remain poor.

For more than a decade, the rich have gotten richer, and the poor have gotten poorer. Between 1977 and 1992, according to Congressional Budget Office estimates, the income of the richest 1 percent of Americans grew by 113 percent, while the income of America's poorest decreased by more than 10 percent. During the 1980's, the richest 1 percent of Americans received nearly as much income after taxes as the poorest 40 percent.

For moderate-income families, the tax system has become even more unfair despite the rhetoric of lower taxes. Between 1977 and 1990, Federal tax rates for the top 1 percent of taxpayers decreased 15 percent while they increased 2 percent for moderate-income families. In 1990, Federal, State, local, and Social Security taxes accounted for 25 percent of median-family income compared with 14 percent in 1960.

Our bill seeks to provide the financial security to families with children that the economic expansion of the 1980's failed to deliver.

Our bill reduces taxes for 35 million American families with children, representing some 134 million people. It does not introduce new taxes, but it does reintroduce the concept of tax fairness for all families.

GREAT MAJORITY OF AMERICANS BETTER OFF OVER LAST DECADE

(Mr. GILLMOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILLMOR. Mr. Speaker, a previous speaker talked about a party that had been going on in the 1980's. Actually, there has been a party going on in this country much longer than that. It has been going on for several decades. It has been a party in Washington, the party of unrestrained

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

spending, and that party has been paid for by the average American worker.

In 1948, the average American making a median income paid 2 percent of his salary to the Federal Government in taxes. Today that average American, after several decades of the Democratic majority in Congress, is paying over 23 percent of his income to the Federal Government.

One of the previous speakers talked about the Reagan years. I would simply point out that they started with double digit inflation, with double digit unemployment, and ended with one of the lowest levels of inflation in American history, one of the lowest levels of unemployment, and with a great majority of Americans better off.

□ 1210

ORDER OF BUSINESS

Mr. DICKS. Mr. Speaker, I ask unanimous consent that my special order today and that of the gentleman from Texas [Mr. GONZALEZ] be reversed.

The SPEAKER pro tempore (Mr. CRAMER). Is there objection to the request of the gentleman from Washington?

There was no objection.

DE VALLS BLUFF BRIDGE REPLACEMENT DEMONSTRATION PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, tomorrow, I will be introducing legislation to address a dangerous and longstanding problem faced by the citizens in Prairie and Monroe Counties in my district.

On January 7, 1988, the tugboat *Amy Ross*, pushing four large barges down the White River, struck a pier of the U.S. Highway 70 Bridge at De Valls Bluff, AR.

The impact, according to one eyewitness, was of such magnitude that the bridge swayed 6 to 8 feet.

For the 8 months, it took to make repairs, the bridge had to be closed to traffic—making what had been a 4-mile trip into De Valls Bluff from communities across the White River a 20-mile trip.

Not only was this inconvenient, but costly. Regional commerce was severely depressed by this loss of access.

In fact, Mr. Speaker, the economic damage to the economy has not been fully calculated.

Moreover, the bridge plays a vital role as an alternate White River crossing point in the event traffic must be rerouted off nearby Interstate 40.

The bridge at De Valls Bluff was built in 1922 and was rated functionally obsolete in 1988. It has been closed twice for extended periods since 1972.

It has deteriorated to the point where it is a threat to the lives and property of those who

have no choice but to use it and is not cost effective to maintain and repair.

Therefore, it makes sense from both an economic and public safety standpoint to replace it.

Mr. Speaker, so often on the floor of this House we make our case for projects such as the De Valls Bluff bridge by citing policy, using statistics and proclaiming that a high national purpose will be served by their construction.

Recently, however, I received a letter from a young Boy Scout in my district, Kevin Simpson, who cut through to the people perspective involved here.

He expressed concern about a 61-year-old bridge which crosses the White River in his hometown of Clarendon.

Why? Because his grandparents live within 25 feet of the bridge and his family drives over it daily.

Kevin worries that if the bridge is not safe, his family is not safe.

Mr. Speaker, that in a nutshell is why we must invest more in America's roads and bridges—so we can tell Kevin that the bridge near his grandparents' home, the one his family drives over daily, is safe—that it won't collapse and fall into the river.

I want to tell Kevin that Congress is doing what it can to improve America, to make our roads and bridges safer.

The bill I am introducing authorizes an appropriation of \$7.1 million from the highway trust fund for fiscal year 1992 to build a new bridge at De Valls Bluff. While Federal-aid bridge replacement funds can be used for this purpose, the 1987 Federal-Aid Highway Act substantially reduced the allocation to Arkansas for this program. Accordingly, special action is needed—and warranted—by the urgency of the situation at De Valls Bluff.

My understanding is that there is in excess of \$5 billion in unobligated money in the highway trust fund which is available for projects like this one. Surely, \$7.1 million of this amount is not too much to ask to provide for the safety and economic health of the people in east Arkansas.

And, there are other bridges—such as the one at Clarendon Kevin Simpson wrote about—that also need attention. In fact, the Federal Highway Administration has reported that more than 260,000 bridges in the United States are functionally obsolete. Another 3,600 are so decayed and dangerous that they have been closed to traffic.

The 1980's have rightly been called the "decade of disinvestment" in America. We have let our infrastructure deteriorate to the point that our ability to compete is jeopardized.

And, until we face this problem, Kevin will have to continue to worry about the bridge near his grandparents' house—the one other members of his family drive over daily.

It should not be this way.

I come here today on behalf of Kevin Simpson and the other people I represent to support assistance for a worthy endeavor which is long overdue.

I also come here asking that this generation face up to the problem of our decaying infrastructure so that Kevin Simpson's generation won't inherit that problem.

Yes, we do have a Federal budget deficit which must be dealt with.

But, I believe that we can live within our means and still build a new bridge at De Valls Bluff and replace the old bridge near Kevin Simpson's grandparents' home by reordering our priorities and putting America first.

Only recently, we forgave billions of dollars in debt owned the United States by Egypt. That amount of money would certainly solve the infrastructure problems in my district.

We have to invest more at home and less overseas.

Perhaps if our allies paid more of the bill for their own defense instead of depending on Uncle Sam to bear the load, we could trim the budget deficit and still make badly needed infrastructure improvements in Arkansas and the other 49 States.

I believe that by reordering our priorities, we can do a better job of meeting our needs at home and still reduce the deficit.

It should also be noted that money spent on new roads and bridges is an investment—which returns more than it costs. In fact, it has been estimated that \$2.40 comes back for every dollar spent.

Kevin Simpson does not want his grandparents living near a dangerous bridge or other members of his family having to cross it daily.

And, they do not have to.

It is up to us.

NATIONAL ASIAN PACIFIC HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALOMAVAEGA] is recognized for 5 minutes.

Mr. FALOMAVAEGA. Mr. Speaker, today marks the sixth day of National Asian/Pacific American Heritage Month. As we begin this celebration, I wish to extend my warmest wishes and abiding respect to all Americans of Asian and Pacific Island descent.

Mr. Speaker, it is interesting to note also that just yesterday on May 5, is a very special day to all Hispanic communities throughout America. On May 5, 1862, a full-blooded Indian from the Zapotec Tribe, Mr. Benito Juarez—through his leadership and opposition to French rule in Mexico—rallied the Mexican people to take to arms to fight for their freedom, and in so doing, soundly defeated the French army in the city of Puebla.

As Mexico's first president in 1860, Benito Juarez has also been likened to our Abraham Lincoln in many respects. Benito Juarez became an orphan at age 3, and was taken care of by his uncle, Bernardino. Without knowing a word of the Spanish language, he was sent to live with his sister, who at the time was a chief cook for the family of Don Antonio Maza, who earlier emigrated from Italy. The Maza family took a deep interest and liking for the young Zapotec Indian youth, who had a burning desire to learn and to obtain an education.

Unfortunately in those days, the Mexican-Indians were always placed at the bottom of the social ladder, even below Creoles. Nevertheless, Juarez persevered and eventually completed his studies in law, practiced law, and got into the political arena.

Not more than 5 feet in height, Benito Juarez later became Governor of the Mexican State of Oaxaca. A period of tremendous unrest in Mexico resulted in Juarez's arrest and confinement in jail, and eventual exile from his country and family.

Upon his return in 1855, Juarez quickly rose within the ranks among the political leaders of Mexico and in 1860 became the first President of Mexico through national elections.

With the beginning of the United States Civil War in 1861, with Mexico's inability to make payments on its foreign debts, and with the suspension of such payments for a 2-year period—Britain, France, and Spain established an alliance in October 1861 to intervene supposedly for the purpose of collecting the money Mexico owed them. Even our Government was invited to join this unholy alliance, and President Lincoln graciously declined.

Actually, the British wanted only to get its money back and to keep track of her traditional adversaries. Spain also proved honorable with no intentions to intervene, but Napoleon III decided to use the opportunity to send French troops to occupy Mexico, and later assigned Archduke Maximilian of Austria and his wife Carlota as the new Monarch of Mexico.

The reaction from Washington was simple and straight forward. When asked about the presence of the French Army in Mexico, President Lincoln replied:

I don't like the looks of the thing. * * * If we get well out of our present difficulties [meaning the civil war] and restore the Union, I propose to notify Louis Napoleon that it is about time to take his army out of Mexico. When that army is gone, the Mexicans will take care of Maximilian.

For some 4 years, Mexico's opposition and struggle against French rule was a bitter one. Despite its small army and resources, Juarez was more determined than ever to continue the struggle, and the Mexican people were all supportive of the cause.

Maximilian even took the extreme route by issuing a decree for summary executions of anyone found bearing arms against the Europeans.

At the end of the United States Civil War, President Johnson issued an ultimatum to Napoleon to take his troops out of Mexico. In the process, some 100,000 United States troops were on the Mexican border ready to assist Juarez' little army. Napoleon got the message and ordered withdrawal of French troops out of Mexico.

Maximilian surrendered and was later executed. The Mexican Govern-

ment was reestablished and Juarez was again reelected President.

Mr. Speaker, I wanted to share this bit of history with my colleagues because it is important not only in our historical relationship with Mexico, but that Cinco de Mayo—the 5th of May—is forever enshrined in the hearts of the Mexican people as a day to remember in their struggle for freedom and against oppression.

And ironically it was a full-blooded Zapotec Mexican-Indian named Benito Juarez who inspired the Mexican people and gave them leadership at their darkest hour when he said:

We must now prove to France and to the entire world that we are worthy to be free. The moment has come to act.

Mr. Speaker, may I also convey my best wishes to our Hispanic congressional delegation and to all of us here in this Chamber—a happy celebration of Cinco de Mayo.

THE 43D ANNIVERSARY OF THE STATE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO], is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, today freedom loving people around the world celebrate the anniversary of the State of Israel. On May 14, 1948—or the fifth day of Iyar 5708 under the Jewish calendar—the British mandate of Palestine came to an end, and Israel was born. More precisely, it is not the birth of Israel that we celebrate today, but its rebirth.

For centuries, Israel was a nation. It was guided by the courage of David, the wisdom of Solomon, and the devotion of its people symbolized by the martyrs of Massada in their final heroic stand against the Romans in 73 A.D. For the next 1,875 years, Israel lived only in the hearts of the Jewish people dispersed throughout the world during the Diaspora—but unified by the hope and prayer of some day being brought together in the promised land once again.

That prayer was fulfilled 43 years ago today, and for 43 years Israel has not only survived and endured, but it has prevailed against considerable odds. Its independence in 1948 was hard fought and won from hostile Arab neighbors, who refused to recognize Israel's right to exist then as they do now. Its survival was again threatened in 1956, 1967, and 1973, by numerically superior forces.

The threat of annihilation is never distant in Israel. The blood of the innocents which ran in the streets of Tel Aviv after Saddam's Scud missile attacks during Israel's 42d year reminds us so vividly of this threat. Israel's Arab neighbors have 4 times as many fighter planes, 4.5 times as many tanks, and have spent 13 times more on new weapons since the 1973 Yom Kippur war.

Thus, as we celebrate this day in history, I offer a prayer for the people of Israel, a prayer which I know is shared by the Israeli people.

The prayer is for peace—that during Israel's 43d year, not a single drop of Israeli blood is shed at the hands of her enemies, and not a

drop of her enemies' blood is shed in an attempt to destroy Israel. This prayer burns in the heart of peace-loving people in Israel and around the world, just as the prayer for the reunification of the Jewish people did during the Diaspora.

I share the joy of the Israeli people on this historic day. May the courage of David, the wisdom of Solomon, and the devotion of the martyrs of Massada be with the Israeli people not only as they face the challenges of the upcoming year, but always.

THE FUTURE OF OUR STRATEGIC BOMBER FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. DICKS] is recognized for 60 minutes.

Mr. DICKS. Mr. Speaker, today I wanted to take this special order because I believe the House of Representatives at this crucial moment is going to take up an issue of extraordinary concern to our country, to President Bush, to Dick Cheney, and to the Joint Chiefs, an issue, I think, that is crucially important to the American people. And that is the future of our strategic bomber force and the modernization of that bomber force.

I have been a member of the Defense Appropriations Subcommittee for the last 13 years, and during that time, we started this program, the B-2 program. It was started under President Carter.

I can remember the great significance and importance of this program, when we were briefed by Secretary Harold Brown and the Joint Chiefs at that time regarding the importance of stealth technology and how crucial stealth technology might be.

During much of the 1980's, during the Reagan administration, this program, which was a very classified program, went ahead and development proceeded. Last year, of course, the program was taken out of the black world, the world of classified programs, and was presented to the American people.

The program, as all of us know, has been slowed down. We have, in essence, been doing the R&D on the program and preparing production. We are in production. A lot of times people do not realize that we are in production of the B-2. And the crucial point has been that we have slowed the program down in order to make certain that we have a good program.

I wanted to report to the House of Representatives today and to the American people that the initial flight testing on the B-2 bomber has gone extraordinarily well. And now we have done some of the basic work on the stealthiness of, the low observable testing of the B-2, and it has gone very, very well in that respect. So I think I can report to the American people and to the Congress that we are not going to have the same kind of problems on the B-2 that we have had on the B-1. I

think we are going to have an extraordinarily good airplane, an airplane that will do the job out in the future.

Now, much has been made by the critics of this program about its costs.

□ 1220

It is a very significant program in terms of cost. We are talking about a program in the range of \$60 to \$70 billion in total costs. I think it is the cost issue itself that, when you think about it, makes the best case for the B-2.

Over this last decade as we developed this aircraft that we have now tested, we have spent somewhere between \$30 and \$35 billion for 15 aircraft. These are the planes that we have been testing. These are the planes you have seen on television. These are the planes that are being flown against the radars in order to test it for low observability.

Not all of those 15 planes are constructed, but we have several that we are running through that testing program.

We made that investment, that sunk-cost investment. We have paid for over half of this entire program, and not to finish, to get what Secretary Cheney has called a very formidable force of 75 B-2 bombers, and as you may remember, we were talking about 132 bombers; in order to get 75, we need to buy 60 more, and we can get that 60 more for somewhere between \$28 and \$30 billion.

Crucial to that is ramping up the cost, or ramping up the production rate, not ramping up the cost. The cost is significant enough. As we ramp up the production rate, it will drive down the unit cost, and we can get a bomber force of 75.

Now, when you couple that with the 97 B-1B's and our B-52's, which are basically used for cruise-missile carrying, the B-1's for penetration, and the B-2's we would have a very formidable bomber force for the future. In fact, the Rand Corp. has done a study which I would place in the RECORD today that clearly outlines that this kind of bomber force would be extraordinarily good, that it would have great capability, that you would have the older B-52's to carry cruise missiles, you've have the B-2's to penetrate Soviet air defenses, you'd have the B-1's to play that same role of penetration, possibly a cruise-missile carrier at a later date, and you would have the B-2 which could not only penetrate Soviet air defenses but it could also be used conventionally much as the F-117 Stealth fighter was used in the gulf war.

So the key point that we want to make today is that it is time to make a decision. It is time to move this program forward. We have gone through the testing, and the testing has been very, very good.

The opponents of this program say, "Let us kill it at 15. Let us end it at 15." I asked at a hearing this week, or

last week actually, at a hearing that was held before the Defense Appropriations Subcommittee, I asked Lee Butler, the head of the Strategic Air Command, "What could you do if the advocates of actually killing the B-2 actually killed it, could you use 15 aircraft? Would it be meaningful militarily?"

His unequivocal answer was that 15 B-2's simply did not make any sense. It was not a force that we could use.

I mean, obviously I would love to see the full 75, and I think the analysis shows that you need 75 if you are going to use them both in the conventional and strategic sense, but clearly 15 and killing the program, this simply does not make sense.

If you did kill the B-2 bomber because it is so expensive, what would happen? The Air Force would immediately be told by the President to go out and build another bomber, go out and start all over. That would be totally ridiculous. We would have invested \$35 billion of the American people's money, their hard-earned wealth, and gotten very little for it.

The head of the Strategic Air Command, Mr. Butler, was asked a question, "Do you think it is out of line to spend \$28 billion to \$30 billion to get those additional 60 planes?" And he answered back and said, "It would be a great investment, because then we would have a bomber that could be used as a hedge against the failure of our ICBM leg or SLBM leg, and we would also have a bomber that we could use in the conventional role."

Now think about it. Let us assume that President Bush had had the B-2 bomber and we had it deployed at Whiteman Air Force Base in Missouri, and Saddam was on the border of Kuwait and Iraq ready to invade Saudi Arabia, if the President had had a B-2 bomber, he could have ordered it into action, and with one aerial refueling off the coast of Spain, the B-2 could have attacked Baghdad against the same kind of targets that the F-117 went against, those surface-to-air missiles, their radars, the nuclear, biological, and chemical facilities, the leadership. They could have gone against all of those same targets that the F-117 attacked, and could have done it with complete surprise, complete impunity, and at the same time another squadron of B-2's could have attacked the forces, the Republican Guards, that were massing on the border of Iraq and Kuwait, and they could have attacked those tanks with conventional weapons that are being developed. So it gives the President an enormous option that he does not have with the B-1 and B-52.

And why is that? The B-1 and the B-52 can both be seen by enemy radars. If you flew them into Baghdad, they would have been shot down. We would have lost the crews. We would have had a failed mission, and the President would have had to wait until air su-

premacy was achieved in order to use those existing heavy bombers.

So what we have learned from the gulf is that stealth technology works, and when you compare the F-117 with the B-2, the B-2 carries 10 times as much ordnance and ammunition and weapons, and it flies 5 times as far. It is a much more capable asset.

Frankly, the F-117's have to be used in a situation like we had where we had airfields in Saudi Arabia, and you could fly from those airfields in Saudi Arabia and attack, and even then it has to have heavy tanking, because it has range limitations.

So what the B-2 does, it gives you legs. It gives you distance. And it gives the President of the United States a very powerful option. He can use the B-2 in any kind of a situation with the Soviet Union as a deterrent weapon, and we do not expect to have a problem there, but we have to be careful and protect that option.

But, more importantly, and the kind of contingencies we have seen in Panama, in Grenada, in Libya, in the gulf, he would have the capability to have an asset that, with one refueling, could reach any crisis area around the world.

That is why President Bush, Dick Cheney, Don Rice, Larry McPeak, our top military commanders, have made the B-2 bomber their No. 1 priority this year.

As I was trying to get to, if we did not do this, the Air Force would have to go out and buy something else.

My good friend, the gentleman from Washington [Mr. CHANDLER] is here. Let us say that they went out and bought some of those 747's that we produce at Everett, WA, and they had to militarize those 747's, and they threw every cruise missile we could on them, and that would probably cost somewhere between \$400 and \$500 million per airplane, but it would not be stealthy, and that is the point. We have got the B-52's to do that mission.

So I think killing this program at this time, now that we know we have got a good program, it would be a mistake of historic proportions, and that is why I have taken this special order today to urge my colleagues on the Committee on Armed Services to take another look at this program, to look at what happened with stealth technology in the gulf, to look and see where we are on the B-2 program, that it has gone through its testing, that it is going to be stealthier than we thought it was going to be.

□ 1230

That it can be used not only in a strategic deterrent role to hedge against the failure of our own ICBM's, we were talking about mobility. We were talking about rail garrison. We were talking about Midgetman. Both of those programs have been slowed down, and what we have done is put our chips

on that B-2. We have said that this is our highest strategic priority.

That is why I feel it is so important for the committee leadership, particularly the chairman of the committee, to make this evidence known to the Members, to show them the Rand study, which clearly says that having a bomber force with a B-2 in it makes sense, to look at the testing, and to look at the testimony by General Horner. General Horner presented some very impressive testimony before our committee. In case Members have forgotten, General Horner was the person that ran the air war out in the gulf. He showed the various packages of aircraft that they used in the gulf. This is focusing more on the F-117. In one situation that they were faced with there was a plant up in the north that they wanted to attack. In order to do that, he had to put together 67 airplanes. He had to have the bomb-dropping airplanes. He had to have fighters to escort those bomb droppers. He had to have jammers up there to jam their electronics. He had to have a whole host of tankers. The package of aircraft, 67 airplanes in that package, and would Members like to know what happened? The air defense in Iraq, and everyone thinks this was a piece of cake. It was not a piece of cake. Members ought to talk to the pilots who flew the F-117, but this group of aircraft led by some of our advanced technology planes, none of them stealthy, they could not get the job done.

So the next day, do Members know what they did? They went back and said they would take 8 F-117's and 2 tankers, and they will fly up there and see what they can do. They went up at the dead of night, came in and hit them with complete and total surprise. They never knew they were there because of their stealth. They destroyed this facility and they got the job done.

Now the comparison is important. The costs of that standard package of 67 aircraft that could not get the job done, procurement costs in 20-year O&S cost, totaled \$6.5 billion. The costs to those 8 F-117's and the 2 tankers is \$1.5 billion. Stealth saves, No. 1; but more importantly than that, stealth saves lives. The lives of our pilots, young men and women whom we are sending in harm's way in combat. If they are in a stealthy plane that the enemy radars cannot see, they will have a better chance of surviving, to fight another day.

We did not lose one single F-117 in this war. It was the fact that we had stealth and precision munitions, together, that gave the United States that tremendous conventional capability. Think about it. We will have the B-2 bomber that is just as stealthy, if not more so, than the F-117. We have newer technology in the B-2 bomber, and it can go 5 times as far, with 10 times the payload. That is why I think

it would be criminal, literally criminal, if we allowed this plane to be killed at this point in time. That is why I have taken this special order today.

I notice that two of my colleagues are here. I will want to yield to them, and I appreciate very much their coming over. I think the case is so strong, and not only are we going to save lives and save money, but we will have a weapons system that will give the United States the technological advantage over all of our adversaries for the next 40 years. That is what has made America's military capability so great. We have always had technological superiority. We have always been one step ahead of our principal adversaries. The world is not going to get less dangerous. We have instability in the Soviet Union. We have Third World countries that have very sophisticated surface-to-air missiles that will shoot our kids down unless we put in the next generation of weapons, stealth technology. That is why if they say kill the B-2 and go to something else, we have to ask them, how much will that cost? Is it stealthy? Will it survive? The answer, clearly, is that something that is not stealthy cannot go in harm's way without a heck of a lot of cost. It is so crucial, those F-117's being able to go in and kill those surface-to-air missiles, instantly. It got the U.S. air supremacy. Once we got air supremacy, Saddam could not get his planes up. As General Horner said, they were faced with either putting their fighters in shelters, or flying them to Iran. There was no other option because we had total air superiority. Then we could bring in the B-52's that were not stealthy, and we bombed the Republican Guards into submission. That made the ground war easier. That made the United States able to win that ground war in less than 100 hours, and to win it decisively. However, it all goes back to the technological advantage we had with stealth. Stealth gave the United States the edge. It saved lives. It saved money. It won a great victory for this country.

Now I will yield to the gentleman from Washington [Mr. CHANDLER], and after that I will yield to the gentleman from California [Mr. LEWIS]. The gentleman from Washington is a leading expert on aviation, and a valued colleague of mine who I have served with for a number of years in the House of Representatives. The gentleman is an expert on stealth and on our bomber force.

Mr. CHANDLER. Mr. Speaker, my colleagues in Washington and I attended a session of some people from home the other day. He had to leave, but I made some remarks that I would like to repeat now.

I think it is important that people understand that when we went to war in the desert, we did not have a choice

but to face down what was essentially a threat to the stability of the entire world. The reason that we prevailed was in no small part because we had superior weaponry with superior people operating those weapons, weapons that were available, weapons that worked. I want to say that my colleague from the State of Washington [Mr. DICKS] is to a great deal responsible for that fact, because at times out here on the floor of this House and in the Committee on Appropriations when those votes were mighty tough, in days when no Member saw anything like Desert Storm coming, my colleagues, the gentleman from Washington [Mr. DICKS] was there. He did take those tough votes. I credit him with leadership in helping to bring about what was a victory in Desert Storm and in which there was minimal loss of life, which we are all grateful for.

I think much has been said by my colleagues, and I would like to simply make several points here as we look at the future. My guess is that the next conflict, and we all pray that there is not one, but this is an unstable world. There are interests in the United States and in our allies around the world that have to be protected. With that in mind, it seems to me that we have to ask ourselves three fundamental questions about whatever program it is that we are considering.

No. 1, is the program necessary? No. 2, does the program perform to specifications? No. 3, is it cost effective?

I want to answer those three questions about the B-2 bomber. One, is the B-2 bomber needed? As my colleague says, absolutely yes. Without the B-2 bomber, we have no effective penetrating bomber by the end of this decade, and there is no substitute, Mr. Speaker, for manned bombers. It would be wonderful if there were, but there is not. Therefore, we need a manned bomber. With the cancellation of the A-12, the B-2, and the F-117A will be the only operational Stealth aircraft.

With the reduction of forces worldwide, and reduced access to bases abroad, we for example, do not know yet what will happen in the Philippines in our ability to use the bases there. We need not only the F-117A, which is a short-range tanker-dependent fighter jet, fighter-bomber, but we need the longer range, great capacity of the B-2. We need both.

I have heard people say that if the V-117A worked so well in the Persian Gulf, why do we not just go with that? I have just given Members the answer, because as my colleague points out, that is a short-range tanker-dependent aircraft, tankers which are not stealthy at all, and they are and can be because of that vulnerability.

□ 1240

The second question. Does the B-2 work? Again, absolutely yes. The com-

bat results in Desert Storm show us the effectiveness of stealth technology. We saw the high-target kills, the number of sorties necessary to bring about those kills, and at the same time with no Stealth losses and no loss of U.S. pilots' lives.

The F-117A's represented only 2½ percent of the coalition aircraft assets, but covered 31 percent of the targets in the first 24 hours of that war.

Now, the important point here is we not only were able to take out surface-to-air missiles, but we were also able to take out radar.

I have heard some of the B-2 critics say, yes, I have heard some of the B-2 critics say, "Yes, but you can still see a B-2 on radar."

Well, it may well be, but it looks like a sparrow hawk or a goose or some other bird, if you can see it at all.

Mr. DICKS. Mr. Speaker, will the gentleman yield on that point?

Mr. CHANDLER. Yes. The gentleman has the time.

Mr. DICKS. The crucial point, and I want to make sure everyone hears this, it is one thing to get a glimpse briefly of the B-2 on radar. That may have happened out in the gulf. Some of the other planes said they might have seen it, but that does not shoot it down. You have to be able to send a plane to attack it or to vector a surface-to-air missile to engage it. They cannot do that.

Mr. CHANDLER. That is right.

Mr. DICKS. We have a red team at MIT that looks into all these so-called theories about overcoming stealth and so far thank God none of it is proven. None of it works. The case in the gulf is proof in itself. We sent them in there. They flew all the tough missions. They had the toughest highly defended targets. None of them were shot down. That is the proof.

Mr. CHANDLER. And you also cannot see a Stealth or any other kind of bomber with radar that does not exist. One of the chief missions of the B-2 bomber would be to take out those radars in the early hours of a war.

Another point that I think is worth making here is because of stealth technology and because of the ability to gain air superiority, we can manage to fight an air war, as we did in the gulf, with regrettably some, but at the same time minimal civilian casualties.

One of the things we and our leaders set out to do early in the war was to minimize casualties, and we did.

The final question to ask and to answer, is the B-2 affordable? Again, the answer is yes. It is affordable in terms of our present ability to pay and it is a good investment in terms of military capability for money invested. In terms of remaining costs, more than half of the cost of the program has already been paid.

I could cite some other evidence. I will simply submit that for the

RECORD, Mr. Speaker, and simply conclude by saying, as my colleague did, I did not want to vote to send any American to war, but on January 16 I took that vote because I felt that our interest as a Nation, the interests of our allies were threatened.

With that vote, one that was the single most difficult that I have ever taken in the Congress of the United States, I put at risk the sons and daughters of men and women in this country in my State and in my district.

I may well have to take that vote again. I pray to God that I do not, but if I do, I want to know that those young men and women who go to war are in the best possible equipment that we can provide, and the B-2 bomber is one very important element in providing that security for our country, for our allies and for those young men and women.

Again my compliments and thanks to the gentleman for taking this special order.

Mr. DICKS. Mr. Speaker, I appreciate the gentleman from Washington being here. This is a Monday and a lot of Members are not here who wanted to participate. We have a stealth caucus in the House, of which the gentleman is an active member. I just complimented the gentleman on his statement. It is a good statement. It makes sense. I just hope that our colleagues on the Armed Services Committee when they make their markups in the next couple days will pay heed to the wise counsel that he has given them.

Now I yield to the gentleman from California [Mr. LEWIS], a new member of the Defense Appropriations Subcommittee, but a veteran in this House of Representatives, one of the most respected Members of the Republican minority, who has been a good friend of mine and someone who has great judgment, part of the leadership on the Republican side. I just want to say that I am pleased the gentleman is here. I yield to the gentleman at this point so that he can further discuss one of America's important defense priorities.

Mr. LEWIS of California. Mr. Speaker, I thank my colleagues from Washington for this opportunity to participate in this discussion regarding American technology. Indeed, it is important to discuss our future ability to provide leadership in the world not only for our national defense, but also for the defense of freedom. I believe that the B-2 and stealth technology will provide the kind of leadership that allows a sustainable peace for all peoples of the world.

This Member has generally been a supporter of our military spending through the 1980's. My support for national defense is in no small part because my district in California probably has as many, if not more, military

installations than any district in the country.

It has been relatively easy for me philosophically to reflect the attitude of my district; but from time to time I have had doubts about ever-escalating defense budgets and I have questioned some of those programs that were on the edge of technology.

Indeed, when the debates had taken place in the past regarding the B-2 bomber and people talked about costs that might push half-a-billion dollars per plane, I scratched my head, along with the American people, and said, "Wait a minute," even though, in the final analysis, I was a supporter of stealth technology and the B-2.

Once I became a member of the subcommittee on which the gentleman so ably serves, I could not help but face the reality that this new position meant my vote might make more of a difference on some of the most significant expenditures in the DOD budget. That forced me to take a different kind of look at this specific technology; that is, stealth and the B-2. I spent much of the last 2 months on in-depth briefings and analyses of this program, and it is because of this extensive effort that I have come to join with the gentleman today in this discussion of the B-2.

The opportunity for me to participate in that kind of analysis and effort, coming almost in confluence with this incredible experience in the Middle East, offers a distinct and unique chance to view the B-2 in a different kind of way.

The American people are proud of our country's recent success in the Middle East. There is little doubt that our tremendous success results from the efforts of our defense workers in delivering and producing the goods. There is a sense of pride in this country about our ability to defend ourselves that I have not seen since World War II.

In that context, I think it is very important to focus upon why we were so successful. We won because our taxpayers were willing to commit huge dollars to keep us on the cutting edge of technology. In every sphere of effort in the Middle East, those who helped produce the technology led the way. This allowed our service men and women to be successful.

Incredibly, the Stealth F-117 was on the battlefield. They were used in this war and in the first 2 days, flew between 2 and 3 percent of the missions—

Mr. DICKS. Two or three percent of our total assets, 31 percent of the missions.

Mr. LEWIS of California. Yes. The F-117's were 2 to 3 percent of the assets and yet delivered on target almost 40 percent of the important hits.

Mr. DICKS. That is right.

Mr. LEWIS of California. They delivered those hits on Baghdad while facing levels of ground-to-air defense that only can be matched in Eastern Euro-

pean countries—a very, very tremendous achievement.

□ 1250

Mr. DICKS. The gentleman is absolutely correct. The facts are absolutely there as the gentleman stated.

Mr. LEWIS of California. As my colleague stated, he has a chart. The gentleman has beside him a chart which he has not had a chance to talk about yet, but it might be good for us to have an exchange regarding that because it makes my point relative to the, first, the technology of the F-117 Stealth fighter-bombers and their potential value, leading to a discussion of the real value of the B-2 technology. The red portion of that chart shows an absolute mission flown, 75 planes in that armada, and the need for the fighter-bombers themselves, a need for airplanes that can disrupt the enemy's ability to target those planes that are actually going to deliver those bombs or armament. There are behind the planes to be in the business of refueling that whole armada. Literally what we have there is a huge set of assets that cost a huge amount of money being put to risk in a military theater where there is action taking place.

Mr. DICKS. That standard package of aircraft, they failed in that particular mission.

Mr. LEWIS of California. That is correct.

Mr. DICKS. And then if we look at the second one, the precision weapons, where we have smart weapons on those planes, that is another big cost. What they finally had to do was to get those eight F-117's, two tankers at a cost of \$1.5 billion over 20 years, versus the standard package which had a procurement cost in 20-year cost of \$6.5 billion. This one—indicating—got the job done, and we did not lose any pilots. They all came back to fly another mission the next day. These people in the standard package had to turn back because the air defenses were so heavy.

So I think this shows it better than anything what the value of Stealth really is in terms of real combat. Then to think about this, the B-2 could have done the same mission either from Saudi Arabia or, with one air refueling, from the United States of America at the President's request. They could have flown a B-2, if we had it, over there and accomplished that same mission at the cost of \$1.3 billion.

Mr. LEWIS of California. That chart dramatically makes the point that flying standard missions with stealth technology saves a great deal of money because so much less valuable equipment is put at risk. More importantly, Stealth saves lives. When you fly fewer planes and put fewer crews at risk, you can make an important difference. Substantially fewer people could do the job and actually accomplish the

mission. Clearly, we should think about the value of that technology.

Mr. DICKS. The gentleman is absolutely correct. Not only does it save lives, it gets the job done and it gets it done more rapidly. As you remember, it was those first few days when we used the 117's to go in and take on those most difficult targets, and if we had not been able to do that, we would have been flying standard packages like this in there and we would have lost a lot of airplanes, a lot of kids would have lost their lives needlessly.

So, what we need for the future is the ability with Stealth, both the 117's, the B-2's, the ATF advanced tactical fighter and, hopefully some day, the A-12, to have enough of this kind of capability so that in any combat situation we go in with our stealth airplanes first, we devastate the opponent, gain air superiority, and then we can go back and use those standard aircraft very effectively once we have air superiority. And that is the way we are going to operate in the future.

So, I appreciate very much the input of the gentleman into this and his terribly important role on the committee.

I wish more of our Members, I say to the gentleman from California, would go out and see the bomber, go out to Edwards Air Force Base or out to Norfolk and actually see the plane, talk to the people.

A lot was made, as the gentleman knows, that this program was in trouble. But we have got that thing straightened out. The F-117 was in trouble, the M-1 tank was in trouble, the Bradley fighting vehicle was in trouble; these programs, when you are out there at the edge of technology, doing something no one has ever done before, it is not easy.

You are going to hear in the press that they have had problems, sure. I have been on this committee for 13 years. One thing I have learned is you stay with it because if you kill it, the cost, \$35 billion down the toilet, gone. And it is done, we have invested it. Now it is time to get the reward, the return on investment. Now we get 60 planes for less than \$35 billion, somewhere around \$28 to \$30 billion, for 60 additional aircraft. And they have proven themselves in the gulf, that this kind of technology works.

So, I think it would be ludicrous. Then we would have to start over and try to build something else.

Mr. LEWIS of California. Of course. The gentleman's chart presents to us another chapter of this whole discussion. It seems to me, that while the gentleman has made the point, it could be made in another way.

The American public was extremely proud of our men and women and the results they achieved in the Middle East. One of the reasons for that success involves Saddam Hussein and his fundamental mistake. Who would have

believed that George Bush could almost overnight, move 200,000 of our troops to the Middle East? Just think what might have occurred if we had not had, almost 5 months to get ready.

Mr. DICKS. Right.

Mr. LEWIS of California. Saddam Hussein might have, attacked Saudi Arabia immediately after he went into Kuwait. If he had done that, the challenge to our troops would have been fundamentally different.

Mr. DICKS. The gentleman is absolutely on target here.

I was out there visiting General Schwarzkopf before the gentleman was on that committee. In the first 4 or 5 weeks we finally got the 82d out there. We had a Marine expeditionary force.

He was terrified that they would invade, that they would see this coming and figure it is better to attack now and take them on now. Frankly, we would have not had in theater the capability to defend those kids. We could have had a devastating defeat.

Mr. LEWIS of California. It could have been very devastating.

Mr. DICKS. And think about it, if we had had the B-2, the President of the United States, if he had seen that they were going to attack into Saudi Arabia, he could have flown that B-2 out of Whiteman Air Force Base with one refueling to attack not only those troops massed on the border of Iraq and Kuwait, but also he could have attacked Baghdad. He could have gone right to Baghdad, gone after the command and control, gone after Saddam Hussein, gone after all his forces, nuclear, biological, chemical, and the surface-to-air missiles. He could have gone directly there to attack with one squadron, and he could also have gone down there and defended our kids.

He did not have the other aircraft out there; it took a while to get those planes out there.

Mr. LEWIS of California. It took a while.

Mr. DICKS. It was a point of vulnerability. We were very, very fortunate. The gentleman makes a very important contribution to this debate by pointing that out.

Mr. LEWIS of California. It seems to me the B-2 has global presence. It could have taken off here, or it could have taken off from Diego Garcia. As the chart indicates, two B-2's, with no support behind them, could have accomplished the mission that was involved here. More significantly, they could have provided protection for those troops at a critical moment, if indeed, Saddam Hussein had crossed the border.

The B-2 has the capacity to reach around the globe, the capacity to carry tremendous levels of ordnance, deliver it where needed, and deliver it in conventional kinds of warfare.

Mr. DICKS. Right. The point the gentleman makes, I want to make sure the

American people know what we are talking about here today; we are talking about a bomber, we are not talking about nuclear weapons, we are talking about a bomber where we can use conventional ordnance, the same basic ordnance that the B-52 has. We are just going to smarten it up, we are going to make it precision-guided munitions in the next generation so you can fly a plane with stealth into the heaviest areas, use the smart weapons to get to the targets that are crucial and get them there early.

What we are going to do is smarten up this bomber and make it even a better conventional weapon. And at the same time, if we can get 75, we will have enough of these bombers to have some on alert as a deterrent against the kind of uncertainty that we face in the Soviet Union in the traditional Strategic Air Command responsibility of having a strategic deterrent, a nuclear deterrent.

□ 1300

So, in essence I think this is one of the greatest investments American people can get in defense. We get our No. 1 priority; we get a weapon that we can use conventionally in situations like the gulf. We also have it during the time, and we do not want to be at war ever, but when we are at peace, it can be part of our deterrent force, and, if called upon, it can penetrate into the heart of the Soviet Union, and I must say that I hope we have great peace with the Soviet Union.

Mr. Speaker, I believe in détente, I believe in arms control, and I want to talk about that in a minute, but I also see great uncertainty in the Soviet Union. I see the republics rising up against the central government. Mr. Gorbachev is having trouble with the economy. There is great uncertainty there, and they still possess 31,000 nuclear weapons, and we do not know who is going to wind up in charge of all those nuclear weapons. And so at a time when, as the gentleman knows, we have stopped everything else in strategic modernization; we have said, "18 Tridents; that's the end," we are saying only D-5's on the Atlantic Tridents. We are holding up on the Peacekeeper rail garrison, and we are holding up on Midgetman. So, this is really the only area in strategic modernization.

Mr. Speaker, we used to get 13 percent of the strategic budget that went to these kinds of weapons for deterrence, and now it is down to about 6.5 percent.

Mr. LEWIS of California. Mr. Speaker, the gentleman from Washington [Mr. DICKS] has very neatly taken me to the next point I want to make regarding the B-2 in this debate.

Critics of the B-2 have suggested that there is no longer a need for us to worry about the Soviet Union and their

nuclear threat. They say that this airplane, which was designed largely for deterrence in terms of the nuclear threat, is not necessary, and that we cannot justify the expenditure.

There are two points I would like to make in connection with that, one of which the gentleman made already very well in another way. It is very clear that the Soviet Union currently is in a very, very volatile condition. Her politics are horrid. Her economy is worse than our economy has been in the worst time in our history, during the years of the Great Depression. We do not know what the circumstances are going to be near term in the Soviet Union, and indeed changes could take place that could be very threatening to world peace.

Mr. Speaker, as the gentleman has indicated, the Soviet Union continues to build her nuclear base. She has ICBM capability that literally could destroy the free world, if given a free hand. The nuclear deterrence potential of 75 Stealth bombers that can reach around the globe, does affect people in the Soviet Union. They better be very cautious before dismissing that challenge.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I am happy to yield.

Mr. DICKS. See, it is the synergistic relationship of each leg of the triad. Our submarines at sea, stealthy; that is where we first learned about Stealth; they are highly survivable. Our land-based leg of the triad, our ICBM's, are in fixed silos. They could be targeted. So, it is crucial in the air breathing, with our B-1's, our B-52's and the B-2, that we have in essence two different important capabilities. We have a penetrator, an assured penetrator, with the B-2 that can go in against all those heavily defended targets, just like the ones around Baghdad, the ones that the Soviets have that are heavily defended.

Mr. LEWIS of California. Correct.

Mr. DICKS. And you also have cruise-missile-carrying B-52's, and later the B-1, that can stand off and shoot cruise missiles in. Therefore the Soviets, and I must say to the gentleman that I am amazed with their economy that they do what they do, but they are still building ICBM's, SLBM's. They are still building air defenses. They have the thickest, most difficult air defenses with surface-to-air missiles and fighters that can go out and attack incoming bombers, and, if we have a one dimensional system, a one dimensional U.S. air-breathing leg that could not penetrate, and there is good evidence that the B-52's and the B-1's later on will not be able to penetrate, then they can bring their fighters and their SU AWACS out to the periphery and stop our cruise missile carriers from getting close enough to attack targets in the Soviet Union. Therefore they do not

have coverage, but they cannot do that if at the same time there is a penetrating bomber, a B-2 that can go in with Stealth to the heart of the country. They then have to defend against both, and it makes the challenge for them so great that I do not think they would ever risk nuclear war.

So, we never want these systems for war fighting, but, if we have to, we of course would use them. What we want them for is to deter anyone from ever considering attacking the United States.

And we have to remember the Soviet Union still possesses the capability to devastate America within 30 minutes, and that is why—and it has worked ever since after World War II—that it is so important to have a highly credible deterrent, and that is why I think in this situation we get a weapon that is a first-class penetrator, an asset of crucial importance to our strategic range, that triad of systems, and also we get a penetrator that could be used in a conventional setting.

Mr. LEWIS of California. The gentleman is correct.

Mr. DICKS. And we put that together, and in essence what we are giving the American people are two bombers for the price of one, and we have invested a lot of their money in it, and to walk away from it at this point, I think I cannot think of a mistake of more historic proportions of showing we have lost our will and resolve to stay at the forefront of technology than doing this deed.

I am surprised by some of the people in fact who are supporting doing this because I think, if they will just look at this new evidence, they will see that the case here makes incredibly good sense.

Mr. LEWIS of California. I must say that my colleagues provide a tremendous service here today. Many of our colleagues are looking several ways at this technological expenditure. Suddenly, there is a new environment, and they are willing to look again, regarding the value of B-2 and its potential.

But let me mention this. Our critics suggest that we really cannot afford the expenditure simply for nuclear deterrence. I think we have set that aside in this discussion. It is important to note this. When we take a look at the purpose of B-2, we discover defense leaders in 1981 who were calling for the creation of an advanced strategic penetrating aircraft, now known as the B-2. Their original mission statement said,

This aircraft shall provide a capability across a total range of international confrontations and be effective in both nuclear and conventional weapons delivery missions.

It was meant as well as to be a conventional system. The B-2 will probably become the most significant breakthrough in terms of conventional warfare and our ability to defend our-

selves in the history of our defense effort.

Mr. DICKS. Will the gentleman yield?

Mr. LEWIS of California. Happy to yield.

Mr. DICKS. Yesterday I was up in Boston, and I saw the future, the sensor fused weapons system. This is going to be a new conventional weapon; smart.

Mr. LEWIS of California. Correct.

Mr. DICKS. It can literally be carried on the B-2. Thousands of them may be carried, and they have the capability of destroying tanks in the field because they hit them from the top. With that kind of a smart conventional weapon and the B-2 stealthiness, I mean we could have a future conventional weapon—the gentleman is absolutely correct—that we have never even conceived of in terms of the devastation it could present to a whole column of, say, hundreds, if not thousands, of enemy tanks, if they are clustered together. I mean we could come in with B-2's and attack them conventionally in a way that we have never been able to do before.

So, it seems to me that the case is solid.

Now I want to say the cost. The gentleman brought up cost, and I want to say another point. There are a lot of people out there saying that we better rather spend the money on education, or housing, or transportation, and I have to tell the gentleman that I support those priorities. I want to spend money on those things.

Mr. LEWIS of California. Of course.

Mr. DICKS. But we have reached a budget agreement with the administration in which we have said basically that we are going to cut defense—between 1985 and 1996 defense spending will have declined in real terms by 34 percent. We are taking the defense budget down to the lowest level since World War II. Some think it is dangerously low, but we have said, "Mr. President, we will go with you for \$290 billion in defense, some of which goes to the Department of Energy."

□ 1310

But that money, if you do not spend it on the B-2, what the opponents are going to do is take the money and put it into a lot of other defense priorities, because that amount of money has to be spent on defense. You cannot take it away from there and put it in these other priorities, because we have reached this agreement. We said to the President that we are going to spend \$290 billion. So what we are going to do is allow the committee, if it does what it is maybe planning on doing, to take that money and put it into a lot of special projects that Members want.

Mr. Speaker, I understand that. I have special projects that I support. We are talking about America's No. 1 de-

fense priority. The President has sent a letter to Chairman NUNN saying that this is his top priority, and he has made it clear that it is his top priority. So we should not be doing that.

What we should be doing is giving support for this, because I think the case has been made. We ought to stay with the President, and stay with Dick Cheney. They steered a pretty solid course through this war. I did not agree with every step and turn, but when you look back on it, they did a pretty decent job for our country. They said we need this for the next time we are out there facing danger. Our kids need it to save their lives and get the job done.

Mr. LEWIS of California. The gentleman made a point regarding costs that I think deserves some emphasis. Not only is this the President's and Secretary Cheney's No. 1 priority in terms of our future defense needs, but we have already spent \$30.8 billion on the development of this technology. It will produce 15 B-2 aircraft, that the generals say would be insufficient for their total defense systems.

If we are willing to spend another \$35 billion, we will be able to produce 60 additional aircraft, for a total of 75.

Mr. DICKS. One other point; this is now in the President's 6-year budget. The President has set aside money over the next 6 years.

Mr. LEWIS of California. The gentleman is correct. I do want to make the point that the American public knows the tremendous significance to our economy that the development of the automobile had. Let us presume that Henry Ford had developed the technology and created the assembly line to produce the first few of those rickety old cars and we suddenly cut him off. Would the expenditure have been worthwhile? The cost per car would have been outrageous.

Now we are talking about the B-2, and the fundamental point is that the technology has worked. The B-2 is on the assembly line. Now we want to cut it off and waste that \$30 billion.

Mr. DICKS. The war proves another example. What if the critics of the Patriot missile had prevailed? We would not have had the Patriot out there to defend Israel and our kids in the gulf. That would have been a disaster as well.

This is the same kind of decision. We have invested in this. This is bipartisan. I want to emphasize that. This program started under Jimmy Carter. Ronald Reagan supported it, George Bush supported it, and all of the Secretaries of Defense during that time frame, Harold Brown, Cap Weinberger, Frank Carlucci, Dick Cheney, they all supported this program.

I just hope that because of the new evidence that lives can be saved and money and precious resources can be preserved and protected, not losing planes, because they are stealthy, I

hope that it will be taken into account in this debate.

Mr. LEWIS of California. I must say the gentleman has been more than generous with his time. I appreciate his allowing me to participate in this discussion.

Mr. DICKS. I look forward to participating with the gentleman from California over the next years serving on the Defense Subcommittee. Hopefully together we can see this through and get the job done for the American people that needs to be done. This system is not going to be an embarrassment to the American people. When it goes out, it will do its job.

Mr. LEWIS of California. If the gentleman will let me make one more point that I think is significant here. My review has constantly taken me back to one question that the critics of the B-2 suggest is important. They say that the B-2 essentially will not work, that in the final analysis, it will not deliver the goods.

The testing is unbelievable on this program. We have seen that the F-117 works. As a practical fact of life, the B-2 has flown. In the hours of testing, it has demonstrated at every point that it works at least as good as those people who developed it hoped for. In most cases it has worked better. It is a technology that has proven itself in the air.

The bottom line is it will not only save money, it will also save American lives.

Mr. DICKS. The gentleman knows that the gentleman from Washington has always been at the forefront of arms control since my tenure in the House of Representatives, offering amendments to keep us within the terms of SALT II, to not abrogate our ABM agreement, et cetera.

The President's entire START strategy has been to move our country, our deterrent weapons force, away from, as Ronald Reagan used to say, the fast fliers, the missiles that get there in 30 minutes, to second strike systems like bombers.

So we have advantages built into the START agreement that a bomber, even though it carries a whole load of weapons, only counts as one.

What we tried to do is create incentives for the Soviets to rely on bombers and for us to rely on bombers, because they are recallable. You have got men and women in the loop. They are systems that are slow flying. They take a while to get there, so you have a chance to rethink.

So for strategic stability reasons, we need the B-2 as well. What this really does is serve as a hedge against the fact that we do have a vulnerable land-based leg. Somebody out there someone might break through and find a way to find those SLBM's, those submarines, and then we would be in a real mess, because we would be vulnerable.

I hope we remember what we have done in START. We have crafted an agreement based around the bomber. If we do not go forward with the B-2, we are going to have undermined our position out there. I serve as an unofficial observer in those talks for the House of Representatives, and we are going to undermine this administration's ability to in good conscience get a START agreement, and I wonder whether the Joint Chiefs would be able to support a START agreement if this Congress does not go forward and do the B-2.

Mr. LEWIS of California. Mr. Speaker, I would like to thank and congratulate the gentleman for taking this time. There is little doubt that the work he has done on this committee has laid the foundation for peace, not only for our country, but for the world. A key to that may very well be our going forward with this stealth technology.

Mr. DICKS. Mr. Speaker, I appreciate the participation of the gentleman from California, and hope that members on the Committee on Armed Services will take a careful look at the new evidence.

SECURING U.S. INTERESTS IN THE FUTURE: THE ROLES OF STRATEGIC BOMBERS IN U.S. STRATEGY

Over the past several years, RAND has conducted a broad range of analyses that bear on the question of the future of the U.S. bomber force. One of these studies focused specifically on the issue of structuring the bomber force. Others were concerned with acquisition policies involving the B-2 and other systems, top-down planning for U.S. military forces, and the future national security environment. This paper provides an integrated summary of that work. This is an independent assessment: The views and judgments expressed here do not necessarily reflect those of RAND's sponsoring agencies.

This paper makes several major points: The post-Cold War world will present a wide range of challenges to the security and well-being of Americans. The United States will require effective military capabilities—including strategic bombers—to deal with many of these challenges.

Long-range bomber aircraft, if properly equipped, can play important and unique roles. A modernized bomber force would allow us to maintain a well-hedged deterrent against nuclear attack for many years to come. It would also underwrite an ability to deter and defeat regional aggression, greatly reducing our vulnerability to strategic and operational surprise in regional conflicts.

The existing bomber force will be expensive to operate and maintain (about \$40 billion over the next 15 years), yet it has serious shortcomings in performing conventional operations, and will have declining effectiveness in performing nuclear missions.

The incremental cost of a highly capable bomber force that includes a sizable number of B-2 aircraft is relatively modest in comparison with the cost of simply maintaining the far less capable force we already have. Forces built around the B-2 are also preferred to those that rely on cruise missiles, even when costs are held roughly equal.

EVOLVING CHALLENGES TO U.S. NATIONAL SECURITY

As we enter the 1990s, American policymakers and strategists are faced with the need to reexamine long-standing and widely held premises underlying national security strategy and force planning. We are now less concerned about the prospect of Soviet expansionism. Yet a growing number of problems—the spread of weapons of mass destruction, access to critical raw materials, changing regional power balances, international terrorism, and global environmental deterioration, to name but a few—will have a direct bearing on Americans. It is therefore incumbent upon America's leaders to maintain and augment instruments of U.S. influence: Our nation must have the ability to persuade and to dissuade decisionmakers around the world. Among other things, this means that the United States must have the kind of military capabilities that convey both an ability and a willingness to intervene in defense of important interests. If we are to persuade nations in critical regions to align themselves with us, they must be confident that they are choosing a capable and reliable partner.

This should not be taken to mean that the United States can or should be the "world's policeman." Indeed, a primary goal of U.S. strategy has long been to foster the growth of a community of like-minded states capable of effective collective action in the face of a common threat. But for now and for some time to come, much of the world will look to the United States for leadership in the defense of common values and interests.

This paper focuses on two important objectives that will be assigned to U.S. military forces in the future: deterring and defeating attacks against allied and friendly states, and deterring or preventing attacks on the United States with weapons of mass destruction.

Regional Aggression: Iraq's attack on Kuwait provides a vivid illustration of the first of these problems. While military planners had recognized the possibility of such an attack prior to August 1990, the circumstances that might surround Iraqi aggression were not clearly foreseen. Baghdad's pre-war diplomacy made it more difficult to assess accurately Iraq's intentions and reinforced political diffidence in the region toward precautionary deployments of U.S. forces.

We must expect comparable challenges to important U.S. interests in the future. History shows that strategic and operational surprise must be considered to be the norm, not the exception.¹ In general, irreducible uncertainties about the timing, locale, and circumstances of future threats, coupled with budget-driven reductions in our overseas military presence, will pose a number of problems for U.S. security planners:

Often there will be little or no time for advance deployments of forces into the region at risk.

Likewise, U.S. surveillance assets may not be focused on the region. Thus, our understanding of the situation and our ability to precisely locate the adversary's forces and assets may be less than we would like, particularly at the outset of a crisis.

Insufficient "military infrastructure" to support deploying forces—airfields, ports, fuel, munitions, etc.—may constrain the rate at which the United States and its allies can reinforce a threatened nation.

The continuing spread of advanced weapons will demand that we bring highly capa-

ble forces to bear in response to regional threats.

In many instances, it will be necessary to form ad hoc coalitions to oppose the aggressor. This will take precious time during which access to bases—both in the region and en route to it—may be severely limited.

In short, we must expect emergencies in which the critical opening days will be characterized by delay, improvisation, and some confusion on our part, while the aggressor unfolds his attack, hoping to succeed quickly and confront the world with a fait accompli.²

Attacks on the United States: Protecting the lives of Americans from foreign threats is one of the most important responsibilities of the federal government. The possibility of a nuclear attack by the Soviet Union—either deliberate or unauthorized—still cannot be ruled out. Likewise, one can foresee the time when U.S. territory will fall within range of weapons of mass destruction controlled by hostile third countries as well. Many nations already have stocks of lethal chemical or biological agents. Capabilities for producing nuclear weapons and long-range delivery systems continue to proliferate slowly but steadily.³ The United States will want to have first-class capabilities to deter such attacks or, if possible, to prevent them.

THE ROLES OF BOMBER AIRCRAFT

Rand has examined the bomber force's contributions to deterrence of large-scale Soviet aggression (in particular, a nuclear attack on the United States), to deterrence of third country attacks, and to global power projection with conventional weapons. The United States has long structured its bomber force primarily with the first of these objectives in mind. One implication of the geopolitical changes outlined above is that our decisions to buy weapon systems today should give greater weight than in the past to the power projection role.

Deterring Attacks on the United States: For forty years we have relied on strategic forces to deter the leaders of the Soviet Union from attacking the United States or its forces by posing the threat of devastating retaliation to any such attack. A deliberate Soviet attack is probably less likely now than at any time over the past forty years. Nevertheless, the incalculable costs of a failure of deterrence have prompted great caution in this area. Thus, we have long deployed a triad of strategic systems—bombers, ICBMs and SLBMs—in part to hedge against the failure of one or two types of system.

It now appears unlikely that the United States will deploy a mobile ICBM. While silo-based missiles continue to bring many important qualities to our deterrent posture at low cost, they cannot provide an assured second-strike capability. We are left, then, with a posture in which the bombers must hedge against the failure of the SLBMs and the SLBMs must hedge against the failure of the bombers.

In order to provide a truly independent hedge, the bombers must be able to penetrate Soviet airspace without the benefit of a prior attack by ballistic missiles and to deliver weapons against a significant fraction of the Soviets' most important assets. The current U.S. force of bombers and nuclear cruise missiles is challenged by on-going improvements in Soviet air defenses. Even when the electronic countermeasures on the B-1B are fixed, the aircraft will eventually be unable to penetrate with high confidence the most densely defended regions of the Soviet Union—the areas that contain the most valuable targets.

¹Footnotes at end of article.

The most capable Soviet surface-to-air missiles (SAMs) can intercept the currently deployed air launched cruise missile (the ALCM-B). The Advanced Cruise Missile (ACM), which is now being deployed, will be more survivable and have greater range. We believe that advanced nuclear cruise missiles, by themselves, will be able to cover a large number of targets in the Soviet Union for many years to come, although attacking some important classes of targets with ACMS will become problematic. If the Soviets continue to deploy improved SAMs, we will have less confidence in the ACM across the board.

Adding the B-2 to the force would provide an ability to attack the most important, most heavily defended targets. On the basis of detailed, quantitative simulations, we conclude that the B-2 can penetrate area defenses, such as airborne radars and interceptors, and that high-performance short-range attack missiles can effectively attack well-defended targets. Moreover, the B-2's ability to defeat air defenses can be sustained for many years to come even in the face of foreseeable Soviet modernization efforts. If the United States should one day face the threat of nuclear attack from a smaller country, the B-2 would be the best available weapon for neutralizing such threats with conventional weapons alone.

Deterring and Defeating Regional Aggression: As suggested above, rather large scale attacks on U.S. friends and allies in key regions can arise with little "actionable" warning. If we are to better deter such attacks and reassure allies, it is essential that we be able to respond promptly so that we can limit the scope, duration, and destruction of the aggression. If Iraq's forces had not stopped at the Kuwait-Saudi border in August of 1990, an effective long-range attack capability would have been indispensable to preventing the loss of large pieces of Saudi territory and important economic assets.

Such a capability will not come easily. In cases of large-scale aggression, successful defense will require that we:

Project effective firepower almost immediately (within hours).

Project massive firepower soon thereafter (within days).

Deploy highly capable ground forces within days or weeks.

Sustain high-intensity combat operations for as long as necessary.

These requirements will demand improvements in our conventional forces across all services. Properly equipped, the bomber force can be particularly effective in the first two phases of a defensive effort.

In the opening phase, bombers may be the only forces available to augment indigenous forces and stem the tide of aggression while other forces are readied and transported to the theater. Unlike other means of delivering non-nuclear weapons, long-range bombers based on U.S. territory can reach targets anywhere on the globe within hours of being tasked. Further, their range makes it possible for bombers to reach their targets without having to rely on foreign bases and with minimal overflight rights.

Early on in such a conflict, we will need to delay and disrupt the invasion to the maximum possible degree while a more coherent defense is organized. Our forces will have the following objectives:

Halt or delay the invasion by attacking the ground forces themselves, along with bridges, lines of communications, fuel supplies, and other assets.

Disconnect the invasion force from its central command.

Deny the enemy his "eyes" by destroying his reconnaissance assets and his air surveillance and defense radars.

Lay a basis for sustained, large-scale air attacks by suppressing and destroying other air defense assets.

Neutralize such critical threats as ballistic missiles and attack aircraft, which could be configured for delivery of weapons of mass destruction.

Punish the aggression with focused attacks on strategic assets deep in the rear.

In prosecuting such a campaign, it will be politically and militarily imperative that U.S. forces be able to conduct their operations with minimal losses.

Of course, land-based and naval tactical aircraft can attack these targets effectively. But not always in a timely manner. It can take several days before land-based aircraft can deploy and commence high intensity combat operations. Moreover, these aircraft must have access to suitable facilities with range of their targets. Two to three weeks could be required to assemble a force of several aircraft carriers. B-52s and B-1s with current munitions can reach the battle promptly, but they cannot be expected to survive exposure to advanced air defenses; they would have to await the arrival of fighters and other assets needed to achieve air superiority.

Existing bombers, submarines, and surface ships can employ long-range cruise missiles. But mission planners would need detailed and accurate data on the location of enemy air defenses and on the nature of each fixed target before cruise missiles could be effectively launched. It is far from clear that such data would be readily available in short-warning scenarios. Attacking mobile targets, such as moving columns of vehicles, with a long-range standoff weapon is more problematical: Bomber crews would have to rely on information from surveillance platforms that may not be available early in the conflict. Even if such information is available in near-real time, the target may have moved before the missile arrives. Analysis also shows that because of their limited payloads, large numbers of these expensive missiles would be required.

We believe that the B-2, properly equipped and supported, can be both timely and effective. The impressive performance of the F-117 in the Gulf War demonstrated the distinct advantages of stealth. Like the F-117, the B-2 will be able to operate over enemy territory and forces. If procured in significant numbers, it can perform the task outlined above with high confidence. For example, the programmed force of B-2s with munitions derived from existing anti-armor weapons could provide enough sorties in a single day to destroy more than half an armored division's worth of vehicles. Losses of this scale would blunt a multi-divisional attack. Moreover, the B-2 could achieve these results without relying on other surveillance platforms to provide it with target data.

Munitions for the B-2 would be relatively simple and inexpensive, in part because they would need to be accurate only over short distances.⁴ The shorter range of such weapons also provides payload efficiencies. None of the B-2's carriage capacity would be taken up by the large airframes and fuel loads of long-range cruise missiles.

COST COMPARISONS

Given the choices for modernizing the bombers, what are the comparative at-

tributes and costs of possible alternative forces?

The current bomber force provides a benchmark for cost and capability. At present, the U.S. has just over 300 heavy bombers. Simply operating and maintaining those aircraft for the next 15 years and making minimal improvements would cost about \$40 billion (FY 90 constant dollars). This force cannot effectively attack enemy targets until tactical air forces won air superiority. And its ability to penetrate Soviet airspace will continue to decline.

Figure 1 shows three possible modernized bomber force structures: (1) the currently programmed force, built around the planned buy of 75 B-2s; (2) a force that consists solely of nuclear and conventional cruise missile carriers; and (3) a force of roughly equal cost that includes a smaller number of B-2s.⁵

Force I—The currently programmed bomber force is represented by Force I in the figure below. It includes 75 B-2 bombers, all of which are equipped for both nuclear and conventional operations; 97 B-1s would retain their primary role of nuclear penetrating bombers, with an additional 100 B-52H bombers to carry nuclear-armed ACMS. We estimate that this force would cost about \$80 billion, a figure that includes the cost to develop and acquire specialized conventional weapons for the B-2; to complete research and development on the B-2; and to acquire, maintain, and operate the entire fleet for 15 years. Force I would be capable of the entire spectrum of conventional missions. This force would provide a robust complement to the SLBM force as well, being less vulnerable to defensive counters than either a force of cruise missiles alone or one that relied on B-1s to penetrate.

Force II—If no B-2s are procured, the programmed bomber force would consist solely of around 100 B-52H and 97 B-1B aircraft. All of these could be equipped to carry cruise missiles, but START would permit only around 100 to carry nuclear-armed cruise missiles. To make this force effective against Soviet air defenses, the United States would have to purchase a sizable number of nuclear ACMS beyond the planned buy. To make the force effective in conventional operations without depending on tactical forces to first win air superiority, we would have to develop and procure several thousand new long-range conventional cruise missiles. We estimate that the cost to maintain this force of 200 bombers and to acquire and maintain their weapons for 15 years would be around \$51 billion.⁶ The development and deployment of 5,000 conventional cruise missiles, as well as a sizable number of shorter-range improved conventional munitions, would account for nearly one-half of this cost.⁷

Force II would be very capable against fixed targets in both conventional and, for some years to come, nuclear operations. However, because it would allow the Soviets to optimize their air defenses against a one-dimensional cruise missile threat, Force II would be hard to keep viable as an independent hedge. This force would also be less responsive in regional crises than a B-2 force because of its heavy dependence on surveillance systems for targeting information. Even with such data, Force II would be less effective against columns of moving vehicles and other mobile targets. Finally, this force—half of which presumably would be comprised of the 30-year-old B-52H—would be increasingly difficult and expensive to maintain simply because of airframe age. A new cruise missile carrying aircraft could be de-

veloped using an existing airframe. While this would address the problem of airframe age, it would cost more than the \$51 billion figure cited above.

Force III—For approximately the same cost as Force II, the United States could have a much more capable force by procuring 50 B-2 bombers and retaining 100 current bombers armed with ACMs for the nuclear role.⁸ As with Force I, all 50 B-2s would be equipped for both nuclear and conventional operations. We estimate the 15-year cost of this force to be approximately \$57 billion. This exceeds by \$6 billion the estimated cost of Force II. However, when one adds to Force II's cost the likely expense of cancelling the B-2 contract and the cost of airframe modernization, we believe that the costs of the two options are essentially the same.

Force III, however, would have real shortcomings: By reducing the B-2 buy from 75 to 50, SAC would probably not be able to keep any B-2s on nuclear alert while largescale conventional operations were in progress. A force of 50 total B-2s would also have little or no margin against the accidental loss of aircraft over the lifetime of the B-2, and an inadequate cushion to account for the usual maintenance, training, and test requirements that can keep aircraft temporarily offline. One could rectify many of these shortfalls by procuring the full 75 B-2s. We estimate that the 15-year cost of a force of 75 B-2s and around 100 cruise missile carrying bombers would be approximately \$68 billion.

PROGRAMMATIC CONSIDERATIONS

RAND's assessment of the B-2's development program—part of a study on acquisition practices—supports a conclusion that the program has taken a conservative approach, with systematic attention to identifying and reducing technical risks at each step before proceeding on to the next.

The program's extended period of low-rate production has allowed time for extensive testing. Drawing on experience in analyzing other aircraft development programs, we see no technical basis for further delay in authorizing high-rate production of the B-2. While the test program is certainly not complete, and there will likely be some difficulties revealed in future tests, there is a high probability that the cost of correcting those problems will be substantially less than the cost of further delaying the production program.

If it is decided not to acquire the B-2, the United States should immediately begin research and development of an air-launched conventional cruise missile.⁹ Given the large number of missiles needed, a primary focus of the program should be the development of low cost guidance with terminal homing sensors, which are major elements of the system's total cost.

CONCLUSION

The end of the Cold War notwithstanding, continued investments are warranted in capabilities to deter attacks on the United States and its allies and friends abroad. A modernized bomber force can underwrite these objectives by ensuring an ability to penetrate Soviet airspace and by providing invaluable capabilities to react promptly to armed aggression without dependence on strategic warning and access to foreign bases early in a crisis.

Our analyses of future U.S. security needs, of capabilities and costs of alternative bomber forces, and of the B-2 program itself support the judgment that this is an attractive system. The B-2's unique combination of long range, low observability, and man-in-

the-loop target acquisition and guidance give it unparalleled flexibility and responsiveness in power projection operations. When equipped with short range attack missiles, the B-2 also provides a high-confidence, long-term means of penetrating Soviet airspace, which other options do not.

The principal argument against the B-2 has been its high unit cost. However, much of the B-2's cost is now behind us and the costs of maintaining and equipping the current bomber force will be high if the B-2 is not procured. Our analysis convinces us that when one compares the effectiveness of approximately equal cost forces with and without the B-2, the B-2 force is clearly superior.

In light of this, we believe that the United States should begin high-rate production of the B-2. The total number of B-2s to procure need not be decided now.

FOOTNOTES

¹The attacks on Pearl Harbor and on South Korea are other examples.

²The Iraq example shows that regional aggressors can win the opening battle but lose the war. On the other hand, if Saddam Hussein had been even a moderately deft bargainer, he might well have staved off an attack and held onto some of his gains.

³India, Israel, Pakistan, and South Africa have either deployed nuclear weapons or could do so within months of a decision to do so. Argentina, Brazil, Iran, Iraq, Libya, North Korea, and Taiwan all have or have had sizable nuclear weapons development programs. See Hearings Before the Committee on Governmental Affairs (S. Hrg. 101-562), U.S. Senate, May 18, 1989, p. 89.

⁴Some of these munitions have already been developed for the fighter force and were proven in combat during Operation Desert Storm. Others would need to be developed and procured for the B-2.

⁵Costs shown for each force include development, acquisition, operation, and support costs for the next fifteen years. Costs for equipping each force with weapons are included as well, with conventional weapons costs shown below the horizontal line. The cost of the tanker force, which supports much more than just the bomber force, has not been included. For purposes of comparison, it is assumed that all of the aircraft and weapons are phased in instantaneously at the beginning of the fifteen-year period. Note that this is not the same as costs over the next 15 years. Nevertheless, the "instantaneous phase in" approach does offer a reasonable basis for comparison among options.

⁶In addition, one would have to add to this the considerable cost of cancelling the B-2 contract.

⁷5000 conventional cruise missiles are the equivalent of approximately one-third of the precision-guided munitions dropped in Operation Desert Storm.

⁸Because of START's generous counting rule for penetrating bombers, Force III would be able to carry approximately 50% more warheads than the all-cruise missile force (Force II). Force I, with 75 B-2s, would do even better.

⁹Other measures would be required as well in order to ensure the survivability of existing bombers.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GILLMOR) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 60 minutes, on May 8.

Mr. ARMEY, for 60 minutes, on May 7. (The following Members (at the request of Mr. FALOMAVAEGA) to revise and extend their remarks and include extraneous matter:)

Mr. FALOMAVAEGA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GILLMOR) and to include extraneous matter:)

Ms. ROS-LEHTINEN.

Mr. SPENCE.

(The following Members (at the request of Mr. FALOMAVAEGA) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. LANTOS.

Mr. SCHEUER.

Mr. MAZZOLI in two instances.

ADJOURNMENT

Mr. DICKS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Tuesday, May 7, 1991, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1208. A letter from the Acting Under Secretary of Defense (Acquisitions), transmitting notification that major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1209. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1210. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the Republic of Indonesia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

1211. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-19, "Illegal Dumping and Operating An Open Dump Fine Increase Temporary Amendment Act of 1991", pursuant to D.C. Code Sec. 1-233(c)(1); to the Committee on the District of Columbia.

1212. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-20, "District of Columbia Paternity Establishment Temporary Act of 1991", pursuant to D.C. Code Sec. 1-233(c)(1); to the Committee on the District of Columbia.

1213. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-21, "Citizens Energy Advisory Committee Extension Temporary Amendment Act of 1991", pursuant to D.C. Code Sec. 1-233(c)(1); to the Committee on the District of Columbia.

1214. A letter from the Acting Secretary of Defense, transmitting the 10th report on the activities of the Multinational Force and Observers [MFO] and certain financial information concerning U.S. Government participation in that organization for the period ending January 15, 1991, pursuant to 22 U.S.C. 3425; to the Committee on Foreign Affairs.

1215. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Portugal (Transmittal No. DTC-26-91), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1216. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as danger pay locations for Riyadh and the Eastern Province of Saudi Arabia, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

1217. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1218. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1219. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1220. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

1221. A letter from the Secretary of Health and Human Services, transmitting the Department's 1991 Social Security Annual Report including financial statements, pursuant to 42 U.S.C. 904; 30 U.S.C. 936(b); 42 U.S.C. 1382(e)(3)(B); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 479. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic

Trail as components of the National Trails System; with an amendment (Rept. 102-48). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 904. A bill to direct the Secretary of the Interior to prepare a national historic landmark theme study on African American history. (Rept. 102-49). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 1143. A bill to authorize a study of nationally significant places in American labor history. (Rept. 102-50). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FALEOMAVAEGA:

H.R. 2228. A bill to include the Territory of American Samoa in the program of aid to the aged, blind, or disabled; to the Committee on Ways and Means.

By Mr. GREEN of New York (for himself, Mr. SERRANO, Mr. SOLARZ, Mr. SCHUMER, Mr. FLAKE, Mr. SCHEUER, Mr. MARTIN, Mr. MCGRATH, Mr. GILMAN, Mr. BOEHLERT, Mr. HOCHBRUECKNER, Mr. HORTON, Mr. LENT, Mr. McNULTY, Mr. PAXON, Mr. ACKERMAN, Mr. LAFALCE, Mr. TOWNS, Mr. OWENS of New York, Mrs. LOWEY of New York, Mr. WALSH, Mr. FISH, and Mr. MCHUGH):

H. Con. Res. 143. Concurrent resolution congratulating the people of the State of New York on the occasion of the tricentennial of the establishment of the Supreme Court of New York; to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 112: Mr. DAVIS, Mr. LEWIS of Florida, Mr. MFUME, Mr. QUILLEN, and Mr. COX of California.

H.R. 179: Mr. ANDERSON, Mr. MCCLOSKEY, Mr. HOCHBRUECKNER, and Mrs. MINK.

H.R. 328: Mr. LAFALCE.

H.R. 525: Mr. MORAN.

H.R. 661: Mr. TRAFICANT, Mr. FAWELL, and Mr. JAMES.

H.R. 676: Mr. MINETA, Mr. BROWN, Mrs. BOXER, Mr. FOGLIETTA, Mr. BOUCHER, Mrs. COLLINS of Illinois, Mr. STEARNS, Mr. BERUTER, Mr. BREWSTER, Mr. DONNELLY, Mr. EMERSON, Mr. SERRANO, Mr. DELLUMS, Mr. BONIOR, Ms. SLAUGHTER of New York, Mr. OBERSTAR, Mr. ESPY, Mr. MARKEY, and Mr. CAMP.

H.R. 784: Mr. LIGHTFOOT and Mr. CAMP.

H.R. 1110: Mr. YATES, Mrs. COLLINS of Michigan, and Mr. AUCOIN.

H.R. 1130: Mr. OWENS of Utah, Mr. ECKART, Mr. PETERSON of Minnesota, and Mr. SMITH of Florida.

H.R. 1367: Mr. ANDREWS of New Jersey, Mr. LAFALCE, Mr. FORD of Michigan, Mrs. LOWEY of New York, Mr. FOGLIETTA, and Mr. MURTHA.

H.R. 1472: Mr. CHANDLER, Mr. JEFFERSON, Mr. FROST, Mr. GEREN of Texas, Mr. HOBSON, and Mr. SANTORUM.

H.R. 1490: Mr. CAMP, Mr. LUKE, and Mr. ROBERTS.

H.R. 1506: Mr. BACCHUS, Mr. MARTINEZ, Mr. SCHEUER, Mr. JEFFERSON, Mr. BRYANT, Mr. LANCASTER, Mr. MORAN, Mr. HAMMER-SCHMIDT, Mr. PENNY, Mr. SUNDQUIST, and Mr. DYMALLY.

H.R. 1510: Mrs. COLLINS of Michigan and Mr. DELLUMS.

H.R. 1511: Mr. DELLUMS.

H.R. 1557: Mr. SWETT and Mr. PICKETT.

H.R. 1583: Mr. MARKEY and Mr. GOSS.

H.R. 1651: Mr. DICKINSON.

H.R. 1749: Mr. IRELAND and Mr. BORSKI.

H.R. 1794: Mr. ECKART and Mr. ROE.

H.R. 1795: Mr. ROE.

H.R. 1860: Mr. SUNDQUIST, Mr. CLEMENT, and Mr. QUILLEN.

H.R. 1970: Mr. GOODLING, Mrs. UNSOELD, Mr. MARKEY, Mr. COSTELLO, Mr. DWYER of New Jersey, and Mr. BERMAN.

H.R. 2089: Mr. FORD of Tennessee, Mr. GUARINI, Mr. MCGRATH, Mr. LIPINSKI, and Mr. FROST.

H.J. Res. 51: Mr. LEVINE of California, Mr. DREIER of California, Mr. LEWIS of Florida, Mr. COUGHLIN, Mr. DONNELLY, Mr. MILLER of Washington, Mr. ANDERSON, Mr. ENGEL, Mr. DAVIS, Mr. ROBERTS, Mr. KOLTER, Mr. DE LA GARZA, Mr. SMITH of New Jersey, Mr. TOWNS, Mr. UPTON, Mr. LOWEY of California, Mr. BARNARD, Mr. SPRATT, Mr. DIXON, Mr. FORD of Tennessee, Mr. DICKINSON, Mr. LEWIS of California, Mr. TAUZIN, Mr. TRAXLER, Mr. STUMP, Mr. ERDREICH, Mr. PURSELL, Mr. SMITH of Florida, Mr. OBERSTAR, Mr. MCHUGH, Mr. NATCHER, Mr. BERMAN, Mr. MILLER of Ohio, Mr. VALENTINE, Mr. TRAFICANT, Mr. HUTTO, Mr. SCHUMER, Mr. BURTON of Indiana, Mr. STALLINGS, Mr. BUSTAMANTE, Mr. LEHMAN of Florida, Mr. FAWELL, Mr. MURPHY, Mr. OWENS of New York, Mr. MAVROULES, Mr. CARPER, Mr. MRAZEK, Mr. LANTOS, Mr. BORSKI, Mr. COSTELLO, Mr. DUNCAN, Mr. CONYERS, Mr. SOLOMON, Mr. MOODY, Mr. ACKERMAN, Mr. BATEMAN, Mr. DYMALLY, Mr. VENTO, Mr. JONTZ, Mr. STEARNS, Mr. SMITH of Texas, Mr. HENRY, Mr. KILDEE, Mr. ORTIZ, Mr. DEFAZIO, Mr. LEVIN of Michigan, Mr. COBLE, Mr. DORNAN of California, and Mr. GINGRICH.

H. Con. Res. 133: Mr. BILBRAY.

H. Res. 101: Mrs. UNSOELD, Mr. CLAY, Mr. MCCLOSKEY, Mr. CAMPBELL of Colorado, Mr. HOCHBRUECKNER, and Mr. NEAL of Massachusetts.

SENATE—Monday, May 6, 1991

(Legislative day of Tuesday, April 9, 1991)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

PRAYER

The Assistant to the Chaplain, the Reverend John E. Stait, offered the following prayer:

Let us pray:

I will lift up mine eyes unto the hills, from whence cometh my help, My help cometh from the Lord, which made heaven and earth. He will not suffer thy foot to be moved: he that keepeth thee will not slumber.—Psalm 121:1-3.

Jehovah—Rapha, the Lord our healer, we are grateful that our President is recovering and expected to return to full service. Thank you.

We are also thankful that our Chaplain is recovering well from his mild heart attack last week and is expected at this point to be back with us soon. Help him, Lord, the man who constantly intercedes for us.

Lord, we are not ready to let these people go but we are reminded that our loved ones are like library books on loan and with due dates that are unknown.

The Lord bless you, and keep you: The Lord make His face to shine upon you, and be gracious unto you: The Lord lift up His countenance upon you, and give you peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE SCHEDULE

Mr. MITCHELL. Mr. President, today, following the time reserved for the two leaders, there will be a period for morning business, not to extend beyond 2 o'clock p.m., with Senators permitted to speak therein for up to 5 minutes each.

At 2 p.m. today, the Senate will begin debate on the motion to proceed to S. 429, the retail price maintenance bill. Cloture has been filed on the motion to proceed, and the vote on invoking cloture will occur tomorrow, Tuesday, immediately upon conclusion of another rollcall vote ordered to occur at 2:13 p.m. Therefore, Mr. President, the cloture vote will occur tomorrow some time shortly after 2:30 p.m.

There will be no rollcall votes today.

PRESIDENT BUSH'S HEALTH

Mr. MITCHELL. Mr. President, I express my relief and that of all of my colleagues at the good reports this morning of President Bush's health. His return to the White House and resumption of normal activities indicate that the incident of irregular heart rhythm he experienced this weekend was a minor and correctable condition which need not imply longer term health problems.

The President's condition has evidently stabilized and we are advised the outlook for a good recovery is excellent.

All of us who know President Bush personally have been impressed with his physical stamina and his high level of energy; his consistent good health reports have reflected the condition of a man who keeps fit and is physically active.

The health of any President is naturally of interest to the Nation as it is to his immediate family. It is not surprising that all Americans were concerned and many a little alarmed at the news of his hospitalization on Saturday. So it was a relief to learn that the condition for which he was observed is both relatively common and easily treatable. I have no doubt that the excellent care President Bush will receive will ensure that every possible effort is made to restore him to his customary excellent condition of health.

I congratulate the President and his administration on the forthcoming, open, and prompt public information which was made available to all Americans by the White House. The policy of complete and prompt disclosure did much to allay concern, and it is exactly what I and other Members of the Senate would expect of President Bush in this respect.

All of us hope and pray for his complete recovery from this incident, and we know not only the Members of the Senate, but all Americans join in that hope. Mrs. Bush and the President's family have our best wishes and prayers as well.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time. I reserve all of the time of the distinguished Republican leader.

The PRESIDENT pro tempore. Without objection, the time of the two leaders is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 o'clock p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Michigan [Mr. LEVIN] is recognized for not to exceed 5 minutes.

Mr. LEVIN. I thank the Chair.

KURDISH REFUGEES

Mr. LEVIN. Mr. President, every American who has seen the pictures of the Kurdish refugees clinging to the sides of mountains has been moved and enraged. Squalid conditions, diarrhea, malnourishment, and disease have brought the Kurds the death and devastation they sought to escape when they fled Saddam Hussein's army.

But, Mr. President, some Americans are expressing emotions of a different sort. Let me quote, from this morning's Washington Post, the words of Army Reserve Lt. Patricia Lessor. She spoke of her worries from a United States-built tent camp near Zakhu, Iraq, as she processed Kurdish refugees.

Said Lieutenant Lessor:

I feel good about what I'm doing here, but I also feel like I'm leading lambs to the slaughter. We're taking care of them and everything's fine for now, but what happens when we go?

That is the question of the hour for the Kurds and for our military. It is a question Saddam Hussein would like the world to leave unanswered. But it is a question that can no longer be avoided.

I have just returned from visiting the border areas of Turkey and Iraq, with Senators EXON and ROBB where we witnessed first-hand the tragedy of the Kurdish people.

We stood in a makeshift graveyard below one camp and watched a family dig an infant daughter's grave. We visited a Dutch hospital tent where dying babies lay motionless next to their mothers. Despite his failure in war,

these are the signs of success for Saddam Hussein in this effort to destroy the Kurdish people once and for all.

Amid the appalling tragedy there are heroic efforts to ease the suffering of the Kurds. We witnessed the awesome logistical might of the U.S. military and its lifesaving results. When finally ordered to the task of saving Kurdish lives, the U.S. military brought rations, water, blankets, and tents with impressive efficiency.

Huge tent cities are being built quickly. Tens of thousands of people will be saved from a slow death caused by malnutrition and disease, by harsh elements of cold and snow and, later heat and drought.

The death rate is now dropping, but the potential for devastating epidemics remains.

To escape the vengeance of Saddam Hussein, over a million Kurds left their cities and villages for the harsh uncertainties of the high country. Right now, to save lives, the primary goal of our military lifesavers and the international community is to convince the Kurds to leave the mountains.

And the Kurds are now coming off the mountains to these tent-cities for one reason: They trust the United States to protect them from Saddam Hussein's retribution. That was the message given to us over and over again by the refugees.

But a great uncertainty remains: will the Kurds use the tent cities as temporary homes as they hope? Can they ever find permanent safety in their own hometowns?

In Friday's New York Times, a young man newly returned to his village under the protection of U.S. troops was asked, "Do you feel safe now?" Given the permanent state of war that Saddam Hussein has maintained with the Kurds, his answer was predictable: "If you want the truth, no. We are scared they will do something to us."

Our Government has not yet said how long the Kurds will be protected by U.S. and allied forces. The tent cities' internal administration is being turned over to the United Nations. But the U.N. unit is a civilian operation rather than a protective military unit.

Clearly, it is vital to maintain military security in the refugee camps and the zones surrounding them. There are two ways to guarantee this security: keep allied and U.S. forces in place, or work to authorize an unprecedented U.N. military presence.

The United Nations has not sent protective forces to a nation without a request from that country. But the circumstances in Iraq demand some new approaches in the United Nations. It is necessary to begin shaping new principles of law.

These new principles should allow protection of refugees on the sovereign soil of a country, even without its agreement: First, by a U.N. protective

force that is an adjunct to the civilian refugee administration; and second, where that refugee problem has been created as the result of a U.N. resolution authorizing the use of force against that country.

If there is to be a new world order, it should begin in this place and at this time, along the Iraq-Turkey border with or without the agreement of Saddam Hussein.

After too long a delay, the United States and the allied forces responded in an appropriate manner intervening to alleviate the massive suffering of the Kurdish people.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. LEVIN. I ask unanimous consent that I be allowed to proceed for 2 additional minutes.

The PRESIDENT pro tempore. There being no objection, the Senator is recognized for 2 additional minutes.

Mr. LEVIN. I thank the Chair.

Decency, compassion, and a sense of moral responsibility demanded that we do so. It is now time for the United Nations to establish a precedent and take an important step toward achieving an orderly and peaceful world. The civilized world, through the United Nations, should guarantee the safety and security of the Kurds from Saddam Hussein.

It is important for U.S. forces to withdraw as early and as quickly as possible. Our troops want to come home and I do not blame them. For this to happen, however, the United Nations will have to fill the military role now being played by the United States and allied forces in protection of the refugee enclaves.

President Harry Truman presided over this Nation in the difficult early years between the end of World War II and the beginning of the United Nations. In 1946 he said, "We are convinced that the preservation of peace between nations requires the United Nations Organization composed of all the peace-loving nations of the world who are willing jointly to use force, if necessary, to ensure peace."

Mr. President, the necessity of international force remains, and so must the willingness to deploy these U.N. protective forces if we are in fact going to carry out that responsibility which we have now undertaken along the Turkish and Iraqi border.

I thank the Chair. I yield the floor.

I note the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been observed.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO LAUREN SUTTON AND AUDRA SZCZERBINSKI

Mr. ROCKEFELLER. Mr. President, it is with great pleasure and pride that I rise to recognize two outstanding West Virginians, Lauren Sutton and Audra Szczerbinski. Lauren and Audra are 2 of the 100 selected winners in the 1990-91 Young Writers Contest. This international competition received 18,000 entries submitted by first through eighth graders. The competition is designed to complement the ongoing classroom writing program and to develop in the students a higher standard of excellence with language skills.

As chairman of the National Commission on Children, I have been given the opportunity to see the potential of our youth and I have tremendous faith in their abilities. It is truly inspiring for me to see these accomplishments commended. By recognizing these students, we must also acknowledge the valuable contributions of the educators who have provided support and guidance in this endeavor.

Nine-year-old Lauren is in the third grade at Emerson Elementary School in Parkersburg, WV. Along with achieving academic excellence, Lauren possesses a passion for sports and is actively involved in Girl Scouts. Audra, age 13, attends Sacred Heart of Mary in Weirton, WV. In addition to school activities, she participates in numerous sporting events. Both of these girls symbolize the confidence we have in our youth of today in the pursuit of high standards and personal goals.

I am sure that my colleagues and my fellow West Virginians join me in congratulating Lauren and Audra on this outstanding achievement.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,242d day that Terry Anderson has been held captive in Lebanon.

Last Friday Thomas Sutherland celebrated his 60th birthday—in captivity. To honor him, the Beirut newspaper An-Nahar printed a hopeful message from his wife. Mr. President, I ask unanimous consent that an Associated Press article that includes excerpts from this message be printed in the RECORD at this time.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WIFE OF U.S. EDUCATOR SENDS BIRTHDAY MESSAGE TO HIM IN CAPTIVITY

(By Donna Abu-Nasr)

BEIRUT, LEBANON.—American hostage Thomas Sutherland turned 60 today, and his wife sent birthday greetings to the educator kidnapped by a pro-Iranian group nearly six years ago.

"For this extra-special day this year we sent our gifts to reach you as they can," said

Jean Sutherland's message, published today in the prestigious Beirut daily An-Nahar.

"From us all our love, strength, loyalty, hope, faith, hearts, minds, spirits and works," said her note. "We exist in health and well-being but do not live without you.

"Know that your families and friends everywhere honor you and are constant in their prayer for peace and release," the message said. "May we two in June find each other on our mountain to celebrate as one again our extra-special anniversary."

Mrs. Sutherland was in the United States, where she is spending time with her family. The Sutherlands have three daughters who live and work in the United States.

Mrs. Sutherland spends most of her time in Lebanon, where she does volunteer teaching.

The Scottish-born Sutherland, of Fort Collins, Colo., has been held longer than any Western hostage except American journalist Terry Anderson.

Sutherland was dean of agriculture and food sciences at the American University of Beirut when he was kidnapped June 9, 1985.

Islamic Jihad, or Islamic Holy War, the pro-Iranian Shiite Muslim faction admits holding him.

The same faction also claims to hold Anderson, 43, of Lorain, Ohio.

Anderson, chief Middle East correspondent for The AP, is the longest-held Western hostage. He was kidnapped in Beirut on March 16, 1985.

In addition to Sutherland and Anderson, 11 other Westerners are missing in Lebanon. They include four Americans, four Britons, two Germans and an Italian.

The last word on Sutherland's welfare came from former U.S. hostage Frank Reed, who was freed April 30, 1990, after being held captive by Shiite militants for 3 years.

Shortly after his release, Reed said he had spent "the good part of two years" with Sutherland and Anderson. He said he last saw Sutherland in February 1989.

Sutherland's birthday comes a few days after Iranian President Hashemi Rafsanjani wound up a visit to Syria, where sources said he discussed the Western hostages with Syrian President Hafez Assad.

Both Syria and Iran have been instrumental in obtaining the release of some of the former hostages.

Iran, which disclaims any role in the kidnappings, has close ties with the militant Hezbollah, or Party of God, which is believed to be the parent group of the Lebanese extremist factions holding most of the hostages.

Syria, with 40,000 troops in Lebanon, is the main powerbroker in the country.

But Iranian sources close to Rafsanjani's delegation indicated the hostages would not be freed until Israel releases an estimated 300 Shiite prisoners it holds.

The prisoners include Hezbollah activist Sheik Abdul-Karim Obeid, who was kidnapped by helicopter-borne Israeli paratroopers from his village of Jibsheit in south Lebanon in July 1987.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, morning business is closed.

THE CONSUMER PROTECTION AGAINST PRICE-FIXING ACT OF 1991—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, debate will resume on the motion to proceed to the consideration of S. 429, the bill to amend the Sherman Act regarding retail competition.

The Senate resumed consideration of the motion to proceed.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, is it my understanding that we are now on the motion to proceed to S. 429?

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. Mr. President, I rise to urge my colleagues to invoke cloture on the motion to proceed to the Consumer Protection Against Price Fixing Act of 1991, a bill which Senators RUDMAN, GORTON, and I have co-sponsored with 30 of our colleagues.

This legislation is the most important consumer bill the Senate will consider this Congress. It comes to the floor following years of careful study and numerous changes and amendments which have improved the bill. The Senate Judiciary Committee voted 10 to 4 to send this bill to the floor, without recommendation, for the consideration of the entire body.

Let me make it clear. We are not today debating the question of the merits or lack of merits of the bill. We are actually debating whether or not the Senate ought to have a right to vote on this bill. I hope that the Senate will see fit to invoke cloture so that we will indeed get on to discuss the bill itself. But I hope in this opening statement to make it clear what the bill does do and also to make clear to my colleagues what it does not do.

S. 429 has a simple purpose. It would make clear, in the antitrust laws, that the prices consumers pay for goods should be set by free and open competition in the marketplace, not by conspiracies to fix high prices.

"I was very pleased to see that our President—who, I might say parenthetically, I hope is recovering and will soon be back on the job. I am sure I speak for all Members of the Senate when I say that we wish him well and we wish him a speedy recovery. I was pleased that our President, before he became ill, in making a speech at the University of Michigan, chose the subject of the power of free enterprise when he addressed that graduating

class. He noted how important it is that people be able to pursue their economic goals free from restraint.

That is what this bill is all about, the right of a discounter to sell his or her product at whatever price he or she decides it is to be sold.

I agree completely that people ought to be able to pursue their economic goals free from restraint, and that is what this legislation is all about: free enterprise, the right to buy and sell in a free marketplace. In our economic system, we believe businesses ought to be free to decide how they will do business, how they will sell a product, how they will price a product. Price fixing is antithetical to the free market. Price fixing undermines competition and hurts everyone, especially consumers.

It is an interesting fact of life and the reality of the U.S. Senate that some who will oppose this bill are the very same Members of this body who will make the greatest speeches back home about the free enterprise system. This bill, if you believe in the free enterprise system, should become the law of the land because all it does is says that a discounter, a merchant, may sell the product at whatever price he or she wants to and can raise the price or lower the price and the Government is not going to intervene.

It has been estimated that price fixing has cost American consumers \$20 billion a year for everything from cameras and VCR's and TV sets and radios to clothes. Much of the clothes that are being sold in the marketplace these days have a set price because the manufacture is setting the price and will not permit the discounters to sell at a lower price. Some discounters have lost the product because a competitor complained and the manufacture withdrew the product from the discounter.

I remember when we had this bill before us in the past, some furniture merchants from North Carolina came to me and said, "Senator, please get this legislation through. Without it, we will not be able to survive." We were unsuccessful in getting it through. And some of those same furniture stores that were trying to make a living selling at a discount, I am told, are no longer in business.

This bill would stop manufacturers and high-priced retailers from forcing discounters to raise their prices or lose a product line. I am sure many of us in this body a week ago Sunday noon saw on national TV where a man in business in California selling tennis rackets at some very modest discount was told by the manufacture Prince that he was being cut off and would no longer have a supply because he was selling his tennis rackets at a price lower than that which they had set.

This bill, without raising taxes, without adding to the deficit, without creating a new bureaucracy, will save

American consumers \$20 billion a year. In these inflationary times, when every day we find food prices and clothing prices and automobile prices and TV set prices and everything else we buy going up and up and up, this is our chance in the U.S. Senate to say we are on the side of consumers. This bill will save \$20 billion a year.

We should move quickly to enact the most important consumer rights bill of this session. This critical proconsumer bill has overwhelming support. Legislation virtually identical to S. 429 passed the House by a large majority in each of the last two Congresses. It has had the support of a majority of this body for years.

In the Senate, those who support this bill come from both sides of the aisle and from every region. This is not a Democratic bill. This is not a Republican bill. This is not a bill of the Northeast or the Southeast or the Northwest. This is a bill that speaks for every region of the country, from Senators GORTON, and CRANSTON, and MURKOWSKI in the West to Senators BIDEN, D'AMATO, and KENNEDY in the East; from Senators BENSTEN, SASSER, and SHELBY in the South, to Senators EXON, KOHL, and SIMON in the Midwest. This broad support reflects the importance of this legislation to the wellbeing of America and all American consumers.

I have, for the RECORD, letters from the American Association of Retired People [AARP]; the National Council of Senior Citizens; the Consumer Federation of America; Public Citizen; and Consumers Union. All urge this Senate to move this bill. I also have a letter signed by the attorneys general of 46 States, Republicans and Democrats alike, wholeheartedly endorsing S. 429. We hardly ever get a piece of legislation where 46 out of 50 politically elected attorneys general of the United States have sent letters endorsing the legislation. I have a list of over 100 businesses, some large, but most of them small, demanding this legislation—demanding the right to sell at a discount. And yet Mr. President, some Members of this body support the anticonsumer position and say the Senate should not have a right to vote on it.

Mr. President, I ask unanimous consent that all of the letters that I previously mentioned be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METZENBAUM. Mr. President, who opposes this bill? Manufacturers who do not want strong antitrust laws. I was on some TV program this morning with a representative of the National Association of Manufacturers and I thought what a farce it is, here is this man standing here saying defeat-

ing this bill would be good for the consumer. It would probably be historic if the NAM ever came out for anything to protect the consumers of this country. Methinks when he says defeating it would help the consumers, that he is attempting to beguile the American public.

The National Association of Manufacturers do not want this bill. The U.S. Chamber of Commerce does not want this bill. The Business Roundtable does not want this bill. They talk free enterprise, but they oppose the right of a store owner to sell his or her products at whatever price he or she feels is fair. That is free enterprise. That is what free enterprise is all about. Controlling prices is exactly the opposite of free enterprise.

Give me one good reason why anyone should be precluded from selling products at whatever price the merchant feels is right. If I, as a merchant, want to sell at half the profit as my competitor and sell maybe three times as much, is there any reason why the Government of the United States should say that I cannot do that? Is there any reason why the Congress of the United States should not stand squarely behind the right of the consumer to buy at that lower price? I think not.

These big companies have the audacity to argue that this legislation is not needed and even that it will hurt consumers. That, to me, is totally unbelievable.

Is there any question who is on the side of the consumer? Between the NAM, the chamber of commerce, the Business Roundtable and such groups as the Consumer Federation of America and the Consumers Union, AARP, who should we believe about what is needed for strong antitrust enforcement; the U.S. Chamber or the bipartisan State attorneys general? For me and the American people I think those answers are easy.

It is now time we enact this important bill into law. For years, this body has repeatedly reaffirmed the right of consumers to free and open markets, unfettered by price-fixing conspiracies which distort and undermine true competition. In the 1970's, Congress enacted the Consumer Goods Pricing Act, which repealed antitrust exemptions for State antitrust laws. These fair trade laws permitted manufacturers to fix minimum prices.

In the 1980's Congress repeatedly added to the Justice Department appropriation bill, a restriction prohibiting the Justice Department from attacking the longstanding court rule that price-fixing conspiracies between a manufacturer and its dealers are automatically illegal under the antitrust laws.

Now in the 1990's we are called upon to resurrect the antitrust prohibition on vertical price fixing, which can no longer be enforced by private litigants

because of recent hostile Supreme Court decisions.

No Member of this body would question the need to ensure that consumers continue to have open access to a vibrant and competitive retail system. Yet there seems to be some question about whether price fixing hurts competition, and some question as to whether the entire Senate ought to have the right to vote on this important piece of proconsumer legislation.

The business interests who oppose this bill claim that price fixing is not a problem. They even argue price fixing is a good thing because manufacturers need to be able to set high prices in order to be able to assure full service to customers. That argument is totally absurd. It is fallacious. If the goal is really better service, the manufacturer can require, either before or after the passage of this bill, that the retailer provide such service as a condition for selling the product to the retailer. The manufacturer can actually require by contract that service or warranties or even clean showrooms are necessary conditions for the sale of the product. They can do it now and they would be able to do it after the passage of this law.

What kind of service is needed by a consumer wanting to buy clothes? When the mother or father goes into that store to buy clothes for the child and gets a discount on the pants or on the jumper suit or on the baby carriage or whatever it may be—what kind of service is needed? Or on toys? Or a tennis racket for the child? The extra service argument is fallacious, it is specious; it is a phony argument.

I would say further, try to get service today from any store regardless of the price you pay. I have tried. I know. First, you will be lucky if you get your telephone call answered. I have tried with the finest retailers. They tell me, oh, yes, they will service the TV set. Just bring it back to the store—all 120 pounds of it—and we will take care of it for you when you bring it back. The service issue is a phony issue.

Try selling that argument to a college student buying a computer or a stereo. Big business argues that this bill is unnecessary because price fixing is not a problem. I would like to see them sell that argument to millions of Americans who read that in the last 6 weeks, the State attorneys general settled two huge price-fixing cases. In March, the attorneys general forced Mitsubishi to disgorge \$7.95 million, almost \$8 million in overcharges and pay them back to consumers. The next month, 50 attorneys general announced that Nintendo agreed to pay up to \$25 million to consumers who brought home video consoles at fixed minimum prices. Nintendo also had to pay \$5 million in damages. Nor are these the only big successes at the State level.

In 1989, the attorneys general recovered \$16 million in overcharges from Panasonic for fixing prices on a variety of consumer electronics products. And the AG's also had similar success against Minolta for fixing prices on cameras.

No one should believe the manufacturers when they say price fixing is not happening. And no one should believe them when they say price fixing is a good thing. It is evil; it hurts everyone of us; it is un-American and is contrary to every concept of free enterprise that this Nation has ever had.

America is famous for its robust retailing networks. In fact the administration is busy right now negotiating with Japan to bring our brand of retail competition to Japanese consumers as part of the structural impediments initiative. President Bush believes a more competitive market in Japan will create greater opportunities for American products there. I think this initiative makes a great deal of sense, both for American business and for Japanese consumers.

All consumers deserve discount prices, if the merchant is willing to offer them instead of fixed prices. While I agree that one of the greatest things we could export to Japan is our retailing system, we must first be sure to protect it here at home. We cannot let price fixing undermine the ability of the marketplace to set prices. We must care at least as much about our own consumers.

This legislation would protect our retailing system and American consumers in three ways. First, it would codify the well-established principle that resale price-fixing agreements are, per se, unlawful. This principle, long endorsed by the courts and by Congress, is based on the obvious fact that price fixing is harmful to competition.

Second, the bill would clarify the evidentiary standard for jury consideration of certain price-fixing agreements between manufacturers and their retailers. The current standard which has developed since the Supreme Court decision in *Monsanto* has made it virtually impossible for a victim of a price-fixing conspiracy to prove his or her case.

The evidentiary standard in the bill would make clear what constitutes sufficient evidence of a conspiracy for a case to survive summary judgment. The bill says that a jury should be able to consider the facts of a case where the plaintiff shows, one, that its supplier received a request from one of plaintiff's competitors that the supplier eliminate the discounter. Let me repeat that. The bill says that a jury can consider the facts of a case where the plaintiff shows that its supplier received a request from one of plaintiff's competitors that the supplier eliminate the discounter. The competition's

competitive store calls or writes a letter and complains about the discount.

Second, that because of such request, the supplier terminated the plaintiff. And finally, the bill would make it clear that an agreement between a manufacturer and a retailer to terminate another retailer in order to eliminate price competition is illegal and you should not have to prove that a specific price or price level was agreed upon.

That is pretty elementary stuff. I do not think you would have to be a college graduate, a law school graduate, or a professor in order to understand the elementary provisions of this bill. The facts in those instances about which we speak actually speak louder than the words. The dealer has been cut off because he or she cut prices. After the discount retailer is the only price competition for the high-priced retailer. Once that competition is gone, there is no need for a separate agreement on a price or price level; prices just naturally go up.

A lot has been said by opponents about what this bill does. I think I should respond by clarifying exactly what this bill does not do. It would not change the law on agreements between a manufacturer and its retailers which do not have to do with price.

Let me explain that to my colleagues. In other words, agreements about service or warranties or how clean to keep the floors would not be prohibited after enactment of this bill. Such agreements are reviewed by the courts under a more lenient so-called rule-of-reason test and would unaffected by this bill. More specifically, the bill would not limit the manufacturer's ability to require a dealer to comply with certain service, warranty, or other nonprice obligations, and the manufacturer could terminate a dealer who failed to do so.

In other words, to make it clear, that even after the passage of this bill, the manufacturer could require the dealer to provide service, the quality of service the manufacturer wants; the manufacturer can provide a warranty or any other kind of nonprice obligation, and that would not be illegal.

Manufacturers also continue to have the right to establish regional territories, exclusive contracts, and other forms of distributional arrangements that they desire. The bill also makes it clear that it would not apply to maximum resale price agreements. Supreme Court decisions have held that these agreements to fix low prices are, per se, illegal. S. 429, while writing into law the per se rule for minimum price fixing, would leave to the courts the question of whether maximum price fixing agreements should instead be treated under a rule-of-reason analysis.

The bill also does nothing to change the holding in the 1919 Supreme Court opinion of *United States versus Colgate*

and Co. that unilateral conduct by the manufacturer is not actionable. Under *Colgate*, a manufacturer may suggest a retail price and may even terminate a dealer for not following that price. Let me repeat that. Under the *Colgate* decision, which we are not changing, a manufacturer may suggest a retail price and may even terminate a dealer for not following that price. The manufacturer and the retailer may not, however, enter into an agreement as to a price.

It is the agreement that violates the antitrust laws, and it is the agreement that this bill is aimed at. So long as the manufacturer acts alone, and so long as the retailer is free to charge the suggested price or not charge that price, there is no violation of the law.

To make this clear, section 4 reiterates the present law that a violation can only be found upon the determination that the defendant entered into an illegal contract, combination, or conspiracy. The bill also does not overrule the *Monsanto* decision, but instead seeks to clarify what the Supreme Court said in that case.

Monsanto dealt with the appropriate evidentiary standard for finding a price-fixing conspiracy. The Court in *Monsanto* stated that—

Permitting an agreement to be inferred merely from the existence of complaints, or even from the fact that termination came about "in response" to complaints, could deter or penalize perfectly legitimate conduct.

Instead, said the Court:

There must be evidence that tends to exclude the possibility that the manufacturer or nonterminated distributors were acting independently.

Lower courts have read this language to put a tremendous burden on the plaintiff. These courts have misapplied this test to grant summary judgment to defendants even if there is substantial, credible evidence of a conspiracy to eliminate price competition.

Take, for example, the case of *Garment District, Inc. versus Belk Stores Services, Inc.*, decided in 1986, in which the manufacturer received repeated claims from Belk, its full-price retailer, about *Garment*, a competing discount retailer. The court found that Belk, in fact, pressured the manufacturer "in order to eliminate a discount competitor," and that *Garment* was "terminated because of the pressure exerted by Belk."

There was even a letter from the manufacturer to Belk acknowledging the manufacturer's decision to terminate and thanking Belk for "bringing this problem to my attention," according to the words of the letter.

The court, relying on *Monsanto*, held that this case should not go to a jury and upheld the directed verdict for the defendant. It is hard to see how the court could prevent the jury from considering this case, but that case is a

classic example of how lower courts are applying Monsanto. Even a letter acknowledging the manufacturer's acquiescence to the full-priced retailer's demands is not enough to overcome these interpretations of the language in Monsanto.

Nor is this case unique. Courts are regularly dismissing such cases and depriving plaintiffs of the opportunity to have a jury consider the facts. This legislation would not dictate the result the jury must reach. It is intended to make sure that the jury is allowed to review all the facts and determine whether a conspiracy exists, once the evidentiary standards provided in the bill are met.

If the plaintiff can show that its supplier received a request from one of plaintiff's competitors that the supplier eliminate price competition, and because of such request the supplier terminated the plaintiff, there is sufficient evidence for a jury to get the case. Let me be clear. There must be a causal link between the competitor's request to terminate and the termination. It is not an easy causal link to satisfy. The communication must be the major cause of the termination.

The bill before us should not engender fear and loathing from the manufacturing community. It will not hurt their ability to control their dealer networks, nor will it embroil them in frivolous suits. It merely tries to breathe life back into an important antitrust law supporting the consumer's right to buy at discount. That law is now virtually moribund. Without effective enforcement of the laws against price fixing, everyone is harmed—consumers and manufacturers, retailers and their competitors. All these parties benefit from competition in the marketplace, and this legislation is desperately needed to guarantee that competition.

Unfortunately, there are those who would have this bill die on the vine. Opponents would prevent the Senate from ever considering the merits of this bill. The Senate must not, and I trust will not, tell millions of American consumers that we refuse to consider a bill to lower the prices they pay every day. I urge every Senator to vote for the cloture motion so that we can move quickly to debate this bill, to amend it if necessary, and then to pass this important piece of legislation.

I yield the floor.

EXHIBIT 1

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, April 30, 1991.

DEAR SENATOR: The undersigned Attorneys General are writing to urge your support of S. 429, the "Consumer Protection Against Price-Fixing Act of 1991".

In 1911, the Supreme Court established vertical price fixing as a per se violation of the antitrust laws, *Dr. Miles Medical Co. v. Park & Sons Co.* 220 U.S. 373 (1911). The Court therein held that "... agreements ... hav-

ing for the sole purpose the destruction of competition and the fixing of prices, are injurious to the public interest and void. . . . The complainant [a manufacturer] having sold its product at prices satisfactory to itself, the public is entitled to whatever advantage may be derived from competition in the subsequent traffic." Id. at 408-09. The continuing vitality of this principle however, has been jeopardized by two recent Supreme Court decisions. S. 429 would remedy that trend and restore to enforcement officials the ability to protect competition from vertical price fixing conspiracies.

In *Monsanto Co. v. Spray-Rite Service Corp.*, 465 U.S. 752 (1984) the Court imposed on plaintiffs alleging a price fixing conspiracy a two-fold burden. First, the plaintiff must prove the existence of a conspiracy to fix prices between a manufacturer and retailer. In addition, the plaintiff must also introduce evidence that would tend to exclude the possibility that the manufacturer and retailer were acting independently. Id. at 764. The decision spawned substantial confusion among the lower courts. In 1988, the Court decided *Business Electronics Corp. v. Sharp Electronics Corp.*, 485 U.S. 717 (1988) in which it added the requirement that the conspiring parties also be shown to have agreed to some price or price level. Id. at 735-36. The aggregate effect of these two decisions is that legitimate complaints concerning the abuse of market power by full price retailers to cause the termination of discounters are no longer actionable.

An example of the likely legacy of these cases is the District Court opinion in *Toys 'R' Us, v. R. H. Macy & Co., Inc.* 728 F. Supp. 230 (S.D.N.Y. 1990). In that case, under pressure from Macy's, two children's swimwear manufacturers terminated their account with Kids 'R' Us, a children's clothing discounter. It was clear from the facts that Macy's had sought the termination so it could continue to see its line of identical swimwear at "keystone", the standard industry markup of 100%. The court denied Toys 'R' Us motion for summary judgment citing the decisions in *Monsanto* and *Sharp*.

Congress has repeatedly expressed support for price competition free from vertical price restraints. In 1975, Congress repealed the 'fair trade laws' which had authorized the states to permit vertical price fixing and prices, on average, dropped. In 1985, Congress passed a resolution condemning the Department of Justice's Vertical Restraints Guidelines which were viewed as an effort by the Department to influence courts to abandon the per se rule as it applied to vertical price restraints. Action by Congress is again necessary to restore aggressive price competition to the marketplace. This can be accomplished through the passage of S. 429.

S. 429 will revitalize price competition while preserving the rights of manufacturers to deal with whom they choose. *United States v. Colgate & Co.*, 250 U.S. 300 (1919), *United States v. Parke, Davis & Co.*, 362 U.S. 29 (1960). If we or our antitrust staff can be of assistance to you in considering the important issues raised by these bills, please do not hesitate to call at the numbers which appear next to our names.

Sincerely,

CHRISTINE T. MILLIKEN,
Executive Director,

on behalf of:

Jimmy Evans, Attorney General of Alabama, Marc Givhan, Assistant Attorney General; Charles Cole, Attorney General of Alaska, James Forbes, Assistant Attorney General; Grant

Woods, Attorney General of Arizona, Helen Hall, Assistant Attorney General; Winston Bryant, Attorney General of Arkansas, Jeffrey Bell, Assistant Attorney General; Richard Blumenthal, Attorney General of Connecticut, Robert M. Langer, Assistant Attorney General; Charles M. Oberly, III, Attorney General of Delaware, John J. Polk, Assistant Attorney General; John Payton, Corporation Counsel of the District of Columbia, Doreen Thompson, Chief, Antitrust Section; Robert Butterworth, Attorney General of Florida, Jerome Hoffman, Assistant Attorney General; Michael J. Bowers, Attorney General of Georgia, George Shingler, Senior Assistant Attorney General; Warren Price, III, Attorney General of Hawaii, Robert Marks, Supervising Deputy Attorney General; Larry Echohawk, Attorney General of Idaho, Brett DeLange, Deputy Attorney General.

Roland W. Burris, Attorney General of Illinois, Christine H. Rosso, Senior Assistant Attorney General; Linley E. Pearson, Attorney General of Indiana, Donna Nichols, Deputy Attorney General; Bonnie Campbell, Attorney General of Iowa, John Perkins, Deputy Attorney General; Robert T. Stephan, Attorney General of Kansas, Mary Ann Heckman, Assistant Attorney General; Frederic J. Cowan, Attorney General of Kentucky, Ann M. Sheadel, Assistant Attorney General; William J. Guste, Jr., Attorney General of Louisiana, Anne F. Benoit, Assistant Attorney General; Michael E. Carpenter, Attorney General of Maine, Stephen L. Wessler, Deputy Attorney General; J. Joseph Curran, Jr., Attorney General of Maryland, Ronald N. McDonald, Assistant Attorney General; Scott Harsbarger, Attorney General of Massachusetts, George Weber, Assistant Attorney General.

Frank J. Kelley, Attorney General of Michigan, Robert Ward, Assistant Attorney General; Hubert H. Humphrey, III, Attorney General of Minnesota, Thomas Pursell, Assistant Attorney General; Mike Moore, Attorney General of Mississippi, Jim Steele, Special Assistant Attorney General; William L. Webster, Attorney General of Missouri, Clay Friedman, Assistant Attorney General; Frankie Sue Del Papa, Attorney General of Nevada, Brooke Nielsen, Deputy Attorney General; John P. Arnold, Attorney General of New Hampshire, Terry L. Robertson, Senior Assistant Attorney General; Robert J. Del Tufo, Attorney General of New Jersey, Laurel A. Price, Deputy Attorney General; Tom Udall, Attorney General of New Mexico, Dan Pearlman, Assistant Attorney General; Robert Abrams, Attorney General of New York, George Sampson, Assistant Attorney General.

Lacy H. Thornburg, Attorney General of North Carolina, Kip Sturgis, Assistant Attorney General; Nicholas J. Spaeth, Attorney General of North Dakota, David Huey, Assistant Attorney General; Lee Fisher, Attorney General of Ohio, Doreen Johnson, Assistant Attorney General; Robert H. Henry, Attorney General of Oklahoma, Jane Wheeler, Assistant Attorney General; Dave Frohnmayer, Attorney General of Oregon, Andy Aubertine, Deputy Attorney General, Financial Fraud Section;

Ernest D. Preate, Jr., Attorney General of Pennsylvania, Eugene F. Wayne, Deputy Attorney General; James E. O'Neill, Attorney General of Rhode Island, Edmund Murray, Jr., Special Assistant Attorney General; T. Travis Medlock, Attorney General of South Carolina, Wilbur Johnson, Assistant Attorney General; Mark Bennett, Attorney General of South Dakota, Jeffrey Hallem, Assistant Attorney General.

Charles W. Burson, Attorney General of Tennessee, Perry Craft, Deputy Attorney General; Dan Morales, Attorney General of Texas, Allene Evans, Assistant Attorney General; Paul Van Dam, Attorney General of Utah, Arthur M. Strong, Assistant Attorney General; Jeffrey L. Amestoy, Attorney General of Vermont, Geoffrey A. Yudien, Assistant Attorney General; Rosalie S. Ballentine, Attorney General of Virgin Islands, Richard O. Baker, Assistant Attorney General; Mary Sue Terry, Attorney General of Virginia, Frank Seales, Assistant Attorney General; Kenneth O. Eikenberry, Attorney General of Washington, John R. Ellis, Chief, Antitrust Section; Mario J. Palumbo, Attorney General of West Virginia, Robert W. Schulenberg, Deputy Attorney General; James E. Doyle, Attorney General of Wisconsin, Kevin O'Connor, Assistant Attorney General.

NATIONAL COUNCIL
OF SENIOR CITIZENS,
Washington, DC, May 3, 1991.

Hon. HOWARD M. METZENBAUM,
U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATOR METZENBAUM: The National Council of Senior Citizens (NCSC) has endorsed the Consumer Protection Against Price-Fixing Act, S. 429. NCSC believe that senior citizens, indeed all consumers, should be able to buy products or services at the best possible prices—at full-price stores or in discount stores at lower prices. This ability to stretch our money is threatened without passage of these bills.

Over the past few years, we have seen a growing number of discount stores closing their doors or offering fewer goods because of price-fixing agreements between manufacturing and higher priced, competing retail outlets. The discount retailer loses access to desirable name-brand merchandise. The next thing you know, all of us are paying higher prices because the check of competitive forces is gone. Without this legislation, manufacturers will continue to terminate discount retailers in favor of full-price retailers.

The trend has already begun, and if it is not stopped, American consumers may one day face a situation where the only price on a product is the one set by the manufacturer. This is a development that threatens senior citizens' pocketbooks that are already stretched too thin. It is a threat we urge the Senate to oppose.

S. 429 would make it much more difficult for this price fixing to take place. We ask for the support of you and your colleagues to vote for cloture and against any weakening amendment to this important legislation.

Sincerely,

DANIEL J. SCHULDER,
Director of Legislation.

AMERICAN ASSOCIATION OF
RETIRED PERSONS,

May 3, 1991.

DEAR SENATOR: The Senate is scheduled to vote Tuesday, May 7 on legislation to protect consumers from vertical price-fixing. S. 429, the Consumer Protection Against Price-Fixing Act, is a moderate, bipartisan bill that will save consumers billions of dollars each year by increasing the variety and amount of goods available at discount prices. We urge you to vote to limit debate and to support S. 429 and oppose any weakening amendments.

Vertical price-fixing occurs when a high-priced retailer conspires with a supplier to discontinue the supply of goods to a discounter in an effort to drive price competition from the marketplace. In 1911, the Supreme Court determined that such actions are inherently anticompetitive and lacking in any countervailing competitive benefits and thus constitute a per se, or automatic, violation of antitrust laws. Over the past decade, two anti-consumer Supreme Court decisions and a laissez-faire approach to antitrust enforcement at the Department of Justice have seriously undermined the ability of both discount retailers and law enforcement to fight this anti-competitive behavior.

The result for consumers is higher prices and less choice. Low income consumers and older persons who live on fixed incomes are particularly hard hit. Denied access to goods at discount prices, too often they are forced to do without.

S. 429 takes a three-step approach to restore the protections for price competition intended by Congress.

It codifies the Supreme Court's ruling that verticle price-fixing is a per se violation of antitrust laws.

It clearly sets forth what facts a plaintiff must present to get his case to a jury, including: that a dealer made a request, demand, or threat to a manufacturer that the supplier take steps to curtail or eliminate price competition; that, as a result, the supplier terminated or refused to continue to supply goods to a competitor of the dealer; and, that the request, demand, or threat was the major cause of that action.

It overturns the Supreme Court's 1988 ruling that, in order to find a per se illegal price fixing agreement, a second agreement must take place setting a specific price or price level to be charged by the remaining retailer following the termination of the discounter.

By restoring the remedy for verticle price-fixing, S. 429 will help to insure vigorous price competition in the marketplace. We urge you to support this vital consumer pocket-book legislation.

Consumer Federation
of America, AARP.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, this bill, S. 429, the Consumer Protection Against Price Fixing Act of 1991, is before the full Senate only because of an

agreement that was reached at the end of the last Congress to ensure passage of the Judicial Improvements Act of 1990, and other legislation. As my colleagues may recall, the Judicial Improvements Act provided for an additional 85 Federal judges. I signed this agreement, along with Senator BIDEN and Senator METZENBAUM, because I believed that adding 85 judges to the Federal judiciary was of the utmost importance.

Pursuant to the agreement, S. 429 was voted on by the Judiciary Committee, where it was defeated by a vote of 8 to 6. Nevertheless, and because of the agreement, it was reported to the Senate without recommendation by a vote of 10 to 4.

Mr. President, I believe it is very important to point out to my colleagues, that this legislation has been before the Judiciary Committee three times, and each time, it has lost support. The first vote, taken on legislation very similar to S. 429, was in the 100th Congress, where it was approved by the committee by voice vote. In the 101st Congress, S. 865 was favorably reported by a margin of 7 to 6. And in this Congress, as I just mentioned, the bill was defeated by 8 to 6. It is perfectly clear, Mr. President, that the more my distinguished colleagues understand this legislation, and the more they come to fully appreciate its ramifications, the less they like it.

Mr. President, my opposition to this legislation has not changed over the last 4 years. In fact, given the strength of competition in the retail industry, my opposition is stronger than ever. As always, I want to be clear that I am vigorously opposed to vertical price fixing. The state of the law is settled that resale price maintenance is a per se violation of the Sherman Act. However, this legislation is not about the legality of resale price maintenance. It is about the kind of evidence which forms the basis for a jury to conclude the existence of a resale price-fixing agreement, and the types of practices that constitute resale price fixing.

I am not alone in my opposition. S. 429 is opposed by a wide array of antitrust experts, by the American Bar Association, the Justice Department and the Federal Trade Commission. The administration opposes this bill. In addition, this legislation is opposed by literally dozens of business trade associations and companies, including the American Textile Manufacturers Institute, the U.S. Chamber of Commerce, the National Association of Manufacturers, and the American Paper Institute.

S. 429, if enacted, would have a very real, and negative effect, on American business. It would inhibit communication between manufacturers and their distributors, it would interfere with the right of a manufacturer to unilaterally decide who will distribute its

products, and it would make it difficult for manufacturers to require their distributors to provide product expertise and service.

American business thrives on the free flow of information between manufacturers and consumers. Such communication informs manufacturers about consumer needs with respect to existing products, and provides insight into unmet consumer needs for future products. S. 429 chills this communication by making communications between a retailer and a manufacturer the operative vehicle for presuming that the sender and the recipient were engaged in a price-fixing conspiracy. It thus weakens American business by unnecessarily creating fear that innocent and laudable behavior will subsequently be misconstrued in a court of law and exposed to costly treble damage penalties. An American business beset with such concerns is ill-equipped to compete in the global marketplace against foreign competitors.

S. 429 would also interfere with the long established freedom of a manufacturer to decide unilaterally whether to distribute its product through a given dealer. This right is an essential part of our free enterprise system, and has a solid foundation in settled antitrust law. S. 429 would allow an inference of an illegal conspiracy where a manufacturer has done no more than exercise this right, subjecting the manufacturer to treble damages.

Finally, product expertise and product service directly benefit consumers. Manufacturers should be able to terminate distributors who do not provide such benefits. S. 429 could make this illegal.

S. 429 would also upset a long line of established antitrust principles. Most immediately, it would do three things: overrule the Supreme Court's 1984 decision in *Monsanto versus Spray-Rite Service Corp.*; overrule the Supreme Court's 1988 decision in *Business Electronics Corp. versus Sharp Electronics Corp.*; and codify the *per se* standard of illegality for vertical price fixing. In addition, enactment of this legislation would seriously jeopardize the protection of unilateral conduct as set forth in the *Colgate* case, and would blur the distinction between vertical price agreements and vertical nonprice agreements, thus undermining the holding in the *GTE Sylvania* case that nonprice vertical restraints are subject to the rule of reason. S. 429 would also dramatically alter and improperly expand the law of conspiracy. Finally, contrary to claims that S. 429 would benefit consumers, it will inevitably result in higher consumer prices, as manufacturers and distributors adjust their costs to account for the increased costs of litigation that will assuredly result.

S. 429 would also codify the *per se* rule against resale price maintenance.

Although I believe that resale price maintenance should be *per se* illegal, codifying this rule is neither useful nor effective. In recent years, there has been increasing criticism of the *per se* nature of the *Dr. Miles* rule against resale price maintenance. Without elaborating on the various arguments that have been made, such as "free rider" concerns, this hardly seems the time to be locking in the *per se* rule against resale price maintenance. The courts should not be hamstrung this way.

In conclusion, Mr. President, I would like to make one last, but very important point. It was not by accident that the antitrust laws were framed broadly rather than containing a long and detailed laundry list of proscribed activities. The drafters of the Sherman Act intended to draft a general statute, to be amplified as necessary through judicial reasoning and by experience over time, including changing circumstances. Senator Sherman himself remarked that:

It is difficult to define in legal language the precise line between lawful and unlawful combinations. This must be left for the courts to determine in each particular case.

The courts have made determinations, and I say that this particular bill will overrule those Supreme Court decisions.

Statutory rules phrased in terms of specific practices rather than in terms of competitive purpose or effect, lack the flexibility needed for optimum antitrust enforcement. Sound antitrust rules are simply not amenable to fixed, detailed, articulation. Not every court decision is well conceived, and even some decisions that are correct when issued, appear later to be based on weak findings and logic. The common law process can correct this. Legislation along the lines of S. 429 raises the specter of far more serious problems, which would be far more difficult to correct.

Mr. President, I urge all my colleagues to carefully consider the harm that this legislation will do to American business and to a long line of antitrust cases, and to balance that harm against the failure of the proponents to demonstrate any legitimate need for this legislation. I am sure that after careful consideration, each of my colleagues will decide, as I have, to vote against S. 429.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA) The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I know my colleague from North Carolina is waiting for the floor. I will be very brief.

I wish to respond to my friend from South Carolina to correct one portion of the representation that he made.

This bill does not limit—does not limit—the ability of a manufacturer to

choose the person with whom he or she will do business. It does not require and does not prevent the manufacturer from choosing x, y, or z, or anybody else that he wants to do business with. And it does not—unequivocally does not—undermine the *Colgate* case.

Second, I want to point out another fact that I think my colleague is confused about. That is, that under this bill, when we pass it, the manufacturer will still be able to terminate any dealer for nonprice reasons, such as poor service. I mentioned poor service, and I mentioned any one of a host of reasons he might want to terminate.

What this bill prevents is when one dealer calls the manufacturer and raises Cain about the other dealer discounting, and then the discounter is terminated; that would be stopped. But if the manufacturer wants to cut off a dealer for failure to give good service, or any one of a number of other reasons, the manufacturer would not be precluded from doing so, and there would be no penalties, and no suit would lie.

Mr. RUDMAN. Mr. President, I rise in strong support of S. 429, the Consumer Protection Against Price Fixing Act of 1991. I cannot recall any piece of legislation in recent years that is more important to the consumers of America. Passage of the bill this year is essential to support a free-market economy, and the principle that competition in pricing is the best and most efficient way to ensure the best products at the least price.

It cannot be seriously disputed that price fixing, by which manufacturers set the retail prices charged, is a bad policy for consumers. Numerous studies show that price restraints result only in higher prices for consumers. This bill will reaffirm the well-established principle that manufacturers are not allowed to set resale prices for their dealers.

There is no reason why manufacturers should be allowed to set minimum prices for their retailers. Opponents contend that manufacturers need to set minimum retail prices to ensure that stores can afford to provide good service. But, as *Business Week* recently noted, those who believe that higher prices mean better service have not been shopping lately. Higher prices simply do not ensure better service.

Passage of this bill will not preclude manufacturers from contracting with dealers concerning the marketing of their products, including training, servicing and advertising agreements. Manufacturers will continue to be able to select those dealers with whom they do business, to raise the price at which they sell to dealers, and to unilaterally terminate a dealer for any reason. The bill allows manufacturers great flexibility to contract as they see fit, so long as they do not enter into an agreement to fix prices with their dealers.

Critics of the bill raise the so-called free-rider problem, alleging that consumers may shop at specialty stores that provide greater product expertise and services, and then purchase the same product at the local discount store. But, as I have just pointed out, the bill does not interfere with a manufacturer's ability to set the nonprice standards for service and display that retailers would have to meet.

My use of the term "alleged" is deliberate, for there is no evidence that the free-rider problem actually exists. Over the last decade, the Federal Trade Commission has studied the free-rider theory and has concluded that there is little evidence that resale prices are imposed to prevent free-riding on product-specific services. This is not surprising: most products subject to resale price maintenance are not products that require significant service and display.

Critics of the bill cite growth among discount retailers such as Wal-Mart as evidence that there is no retail price fixing problem. The discount industry has, in fact, experienced its share of business failures and serious financial difficulties. Moreover, the fact that certain segments of the industry are doing well does not serve as a justification for price fixing or indicate that price fixing does not exist.

Opponents of the bill also state that a renewed aggressiveness in seeking out and prosecuting resale price maintenance conspiracies provides less justification for this legislation. Although there have been successful price fixing cases, most recently the Mitsubishi case in March, the difficulty in prosecuting these cases is the reason that 46 State attorneys general have signed a letter strongly endorsing this legislation. What these few successful prosecutions do tell us is that price fixing involving millions of dollars in consumer overcharges is a very real and serious problem. It is notable that Consumers Union, which publishes Consumer Reports and virtually never endorses specific legislation, has recognized this problem by coming out in support of this bill. The House of Representatives also has recognized the problem by overwhelmingly passing similar legislation in the 101st and 100th Congresses.

The legislation before us would accomplish three basic objectives. First, it codifies the well-established principle that resale price fixing is a per se violation of antitrust laws.

Second, it clarifies the current law on the evidentiary standards necessary to avoid summary judgment against plaintiffs. In *Monsanto Co. versus Spray-Rite Service Co.*, the Supreme Court held that the plaintiff had to virtually have a written agreement to fix prices to avoid summary dismissal. These insurmountable evidentiary standards has made winning a RPM

case extremely difficult and has been an invitation to crime. Third, this legislation makes it clear that an agreement between a manufacturer and a retailer to prevent price competition by another retailer is unlawful. This is in response to the case of *Business Electronics Corp. versus Sharp Electronics Corp.*, where the Court somehow managed to hold that no per se price fixing restraint can be found unless a price fixing conspiracy, even if one is found, mentions specific price levels. This decision in essence allows people to conspire all they want as long as they do not write a specific price down on paper. The basic impact on the marketplace is to legalize price fixing.

In today's economy, where every penny counts, we owe more to our constituents than lipservice on remedies for higher prices and fewer choices. Simply put, price fixing hurts consumers and corrupts the free enterprise system. S. 429 preserves the consumer's ability to choose the best prices by maintaining an open, free, and competitive American marketplace.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. HELMS] is recognized.

Mr. HELMS. Mr. President, in *Federalist Paper No. 62*, James Madison declared:

No government * * * will long be respected without being truly respectable, nor be truly respectable without possessing a certain portion of order and stability.

The application of Mr. Madison's counsel to the U.S. Senate can be boiled down to a very few words: Do not bend the rules, and let no Senator or group of Senators design to usurp the rights of other Senators by making shotgun deals that amount to scarcely more than blackmail.

Mr. President, the American people probably will never know why a few of us are objecting today to the procedure being used to force a vote on S. 429. As battles go in the U.S. Senate, this particular one may not seem important. But it is important, because there has been a flagrant usurpation of the rights and prerogatives of the vast majority of the Members of the Senate, and it was done to placate and accommodate one Senator.

Mr. President, it is not my purpose today to discuss the pros and cons of S. 429, which is being railroaded to consideration by the Senate. The pros and cons will be discussed at length as days go by. The Senator from South Carolina has already stated many of the objections that I have to S. 429.

Rather, my purpose this afternoon is to sound the tocsin that the U.S. Senate became unique among all legislative bodies in history, because down through the more than 200 years of the Senate's existence, there has been a faithfulness to the Senate's rules and a fidelity to the principle that all Sen-

ators' rights should and would be respected and protected.

I would not be here this afternoon making these remarks if S. 429 had reached the Senate Calendar by the implementation of the well-known and respectable rule that any Senator can utilize to bypass committee consideration.

I am talking about rule XIV of the U.S. Senate. Here is the way it works, and every Senator knows it or is supposed to know it. The Senator gets up and sends a bill to the desk and he asks for first reading. The clerk reads the bill by title for the first reading. Then the Senator says, Mr. President, I ask for second reading of the bill; whereupon, the majority leader or his designee objects. Then the bill lies over for its second reading on the next legislative day and after that it automatically goes on the calendar. If this bill were on the calendar by that method, I would not be here. But, that is not the way it happened.

Rule XIV is a rule that I have used myself on occasion. Other Senators have used it as well. It is a well-established and respected rule of the Senate. It is a rule of the Senate and all Senators understand their right to use it.

But that is not the way S. 429 made its way to the Senate Calendar. No, Mr. President, we are at this point because a deal was made last year, on October 26, 1990, about 9 or 10 o'clock at night. One Senator blocked consideration of several pieces of legislation that were deemed to be vital. There was no known doubt about the necessity of these three pieces of important legislation. Bear in mind, this was hours before the U.S. Senate and the Congress of the United States adjourned for the year.

So a deal was cut. Some say it was a back room deal. I do not know where it happened. What is important is that it did happen. But it should not have happened, because as Mr. Madison put it, this destroys "a certain portion of order and stability."

Mr. President, I realize that my remarks here this afternoon will be ignored, much like a ship passing in the night, but I am obliged to state my case and describe the circumstances just for the record. I hope this sort of thing never happens again. I think too much of the Senate for this kind of *ex parte* deal to occur.

Mr. President, on October 26, 1990, in the closing hours of the 101st Congress the Senator from Ohio blocked consideration of several bills and nominations. I have blocked a few myself in my career in the Senate, but I have never tried to bind a future Congress. Interestingly enough, one of those bills that he blocked was introduced by the chairman of the Senate Judiciary Committee, Mr. BIDEN. It was legislation to streamline the judicial process. As Senator THURMOND said earlier. It au-

thorized the appointment, of 85 additional judges. It was generally agreed that these 85 additional judges were essential in order to speed up the prosecution of criminals, thereby decreasing the backlog of cases. But, no, one Senator said, it is not going to happen unless we made a deal.

To secure Senate approval of these bills and nominations, the ranking member of the Judiciary Committee felt obligated—and I understand that—to enter into an agreement with the Senator from Ohio providing for the consideration of the resale price maintenance bill, S. 429, by June 1, 1991. The agreement was detailed; the agreement was specific. Let me state for you the main portions of the shotgun deal.

First, the bill "will be voted on by the Judiciary Committee on or before April 1, 1991. Regardless"—and I emphasize the word "regardless"—"regardless of the outcome of the vote, the bill will be reported to the floor"—meaning the Senate floor—"without recommendation."

Second, the bill "will be called up on the Senate floor on or before June 1, 1991. The Senate will proceed to consideration of the bill without objection. Following up to 2 days of debate, the first vote on the bill will be a vote to invoke cloture on the bill."

Bear in mind I am quoting from the text of the agreement—an *ex parte* agreement by three Senators last October 26, hours before the Senate adjourned *sine die*.

Mr. President, obvious questions arise. How can a handful of Senators presume to speak for all 100 Members of a future Congress? It is not supposed to happen. But it did. Now they will say, well, this was an informal agreement. But it put the Senators who were forced to make the deal in an uncompromising spot—it became a matter of honor. They had to live up to the agreement even though everybody knows that one Congress cannot bind a future Congress. How can they bind a future Congress simply by agreeing among themselves? Under the rules they could not and they should not.

Mr. President, I am unalterably persuaded that this type of agreement, sets an exceedingly bad precedent, and I hope it never happens again. If I sound a little bit emotional, it is because I love the Senate. I do not like to see business conducted this way in contravention of the rules of the U.S. Senate.

It is true that the Senate often enters into unanimous-consent agreements. That is provided for by the Senate's rules, and we all have copies of the Senate's rules right here on our desks. But with unanimous-consent agreements, every Senator has an opportunity to express his or her opinion and to objection to the proposed agreement if they do not want it entered.

But the word "unanimous," Mr. President, in the phrase unanimous-consent agreement, means unanimous. It does not mean a backroom, *ex parte* deal made by a handful of Senators when the clock is running toward the adjournment *sine die* of the Congress of the United States. A backroom deal is not a unanimous-consent agreement. I know of no place in the Senate rules approving such a deal. This kind of deal abrogates the checks and balances provided by the rules of the U.S. Senate.

Mr. President, as I said at the outset, the U.S. Senate has a long history of protecting the rights of each and every Senator, and when you protect the right of each Senator, you are protecting the rights of his constituents, the people of his State.

The Founding Fathers purposefully set up the Senate as the more deliberative body. Mr. Madison, in his *Federalist Paper No. 62*, explained the function of the Senate in this way. Mr. Madison said:

The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies to yield to the impulse of sudden and violent passions and to be seduced by factious leaders into intemperate and pernicious resolutions.

Calvin Coolidge put it another way. He said:

It may seem that [senatorial] debate is endless, but * * * the power to compel consideration is the distinguishing mark of a deliberative body.

Mr. President, Madison and Coolidge understood the need for checks and balances in a democratic system. That is the reason we have a tripartite Government. That is the reason we have rules in the U.S. Senate. That is the reason the U.S. Senate is respected and has been respected down through history as being unique among all of the legislative bodies in the history of this world.

So is it not all-advised to tamper with the tradition and the rules of the Senate of the United States? My answer to that is, "yes."

Furthermore, as every Senator knows, each new Congress is unique in its composition. Since 1914, when Senators were first directly elected by the people instead of by the State legislatures, new Senators have been elected to every new Congress, without exception.

Quite often there are substantial changes from one Congress to the next. In 1980, for example, the control of the Senate switched from the Democrats to the Republicans. In 1986 it switched back, the Democrats regained control of the Senate.

Those of us who have been around this place for a while can testify that new Senators bring with them different philosophies and different objectives; philosophies and objectives which are entitled to be heard and considered and not abrogated by secret deals. If the

Senate allows backroom deals to deprive new Members of their rights to participate in a Democratic process, the Senate will risk ultimately subverting the will of the people.

So obviously, Mr. President, I am troubled by the manner in which this bill was brought to the floor of the Senate.

The agreement stated that "regardless of the outcome of the vote in committee"—meaning the Senate Judiciary Committee—"the bill will be reported to the floor without recommendation." That was the deal that was struck last October 26, at 9 or 10 o'clock at night. The clock was running; everybody under pressure; and three bills were being held up.

Finally, Mr. President, S. 429 was defeated this year in the Judiciary Committee by a vote of 8 to 6. Despite that negative vote, the agreement made last year during another Congress, required that the bill be reported without a recommendation. They knew it was going to be defeated by the Judiciary Committee.

What a peculiar way to report a bill. When a bill is defeated in committee, it dies in committee, or at least that is the way it is supposed to be. I have had plenty of bills to die in committee. You take your lumps. You win some, you lose some. And once in a while you get one rained out. In rare cases, a defeated bill is reported with a negative recommendation. But that did not happen here. Since a majority of the committee voted against S. 429, it seems to me that the committee does have a recommendation. That recommendation being: do not pass this bill on the Senate floor.

Mr. President, I trust that nobody will try to argue that this agreement binds only the three Senators who signed it and therefore it is, harmless. The facts indicate to the contrary.

Per the agreement of October 26, 1990, this bill was voted on in committee before April 1. Despite the fact that the bill was defeated in committee, the bill was nevertheless reported without recommendation, as stipulated by this agreement of last October 26. Several Senators who voted against the bill changed their votes and voted to report the bill "without recommendation." They did this in order to live up to an agreement that ought not to have been made in the first place.

As per the agreement, the bill was called up on the Senate floor before the June 1 date stipulated in that agreement of last October 26. This is no way to do business, if we believe in the fundamental principles of the Senate.

Mr. President, the facts indicate that the Senate now is presuming that this agreement is binding. I do not think it should be and I hope this legislative history demonstrates why these types of agreements set bad precedents. This agreement is not binding even though

it has been treated as if it were binding.

But it is a blatant invasion of the rights of a vast majority of Senators who never approved, or even knew about, the backroom ex parte power play that occurred in the closing hours of the 101st Congress.

Mr. President, with all due respect, this agreement should have no standing, in this, the 102d Congress.

I yield the floor.

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I would like to have permission of the Chair, as well as the manager and, I guess, the other side here, to have up to 10 minutes on another subject matter.

Mr. METZENBAUM. I would have to object at this point, although I do not have any intention of keeping the Senator. I do wish to respond to the Senator from North Carolina promptly while he is still on the floor and while he is still in earshot. I will not be long.

Mr. DECONCINI. Mr. President, I have the floor, is that correct?

The PRESIDING OFFICER. The Senator from Arizona has been recognized.

Mr. DECONCINI. Mr. President, I will only add that I do not want to be cantankerous with my friend from Ohio. Would he please let me know how long that will take? I can go ahead and talk anyway.

Mr. METZENBAUM. Not more than 10 minutes, probably less. But I did indicate to my good friend and colleague that I would not object to his interrupting the debate on this bill in order that he might speak.

Mr. DECONCINI. Mr. President, if the Senator will yield, I have the right to the floor. I have been waiting around. Though he can object to me entering this in someplace else, I can talk here if I want to.

Mr. METZENBAUM. Of course.

Mr. DECONCINI. I only ask you to give me some kind of time limits—

Mr. METZENBAUM. You mean time for myself?

Mr. DECONCINI. Yes, sir.

Mr. METZENBAUM. Ten minutes?

Mr. DECONCINI. Mr. President, I ask unanimous consent I can follow the Senator from Ohio for a period of not to exceed 10 minutes in morning business, after the Senator has spoken for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I want to express my appreciation to the Senator from Arizona. I did not mean to interrupt him. I did indicate I was willing to have him speak but I thought some of the comments of the Senator from North Carolina should be answered while it was timely.

I think it is rather good that he spoke because I think in every debate

there ought to be a certain amount of levity and I think it is a real joke. We had the Senator from North Carolina who has tied up this body, time and time and time again with some off-the-wall idea that he has had, and he wants to put on some bill having to do with child care, or with education, or with jobs, while it was something to do with Korea or Taiwan or some other idea of his.

So I think it is rather interesting that he thinks we ought to just follow the words of, I think he said Madison, if I remember correctly, that "no government will long be respected without being respectable." I think we ought to think about that 365 days a year. And I think it is fair to point out that on more than one occasion, my colleague from North Carolina has seen fit to use the rules of the Senate. Yes, indeed, this Senator is proud of the fact that I am more concerned about the people who appear before the courts than I was about whether we get some new members to sit on those courts. And I had tried and tried and tried to bring the resale price maintenance bill to the floor. It was out of committee for months. But I could not get it to the floor because there was an objection. I do not know whose objection it was, and I am not asking. It was within the rules of the Senate.

When my colleague talks about the rules being pushed due to placate one Senator, what a joke that is. If there was ever one Senator in this body who pushes the rules to placate himself, it is my friend over there from North Carolina, and I could imagine 98 other Senators in this body making the speech that he made, and maybe I would be able to understand it a little bit better. But I cannot very well follow that about which he was speaking.

When he talks about some back room deal being made by three Members of the Senate, let me say I will not speak for myself but I resent it on the part of my distinguished colleague who was a party to that agreement, the senior Member of the U.S. Senate who was a party to this deal. He was anxious to do it and he would not be a party to any deal that was inappropriate or improper.

He made it very clear in the Judiciary Committee that no Member of the Senate was bound by any agreement that he had entered into. But he was doing what he wanted to do when he entered into this agreement, and I was doing what I thought I should do, to represent the people that I represent.

But the Senator from South Carolina, who is a man of honor and a man of integrity, entered into an agreement not to bind the Senate but to make all necessary efforts to assure that the following things occur. And that is the matter that was agreed to. Nobody was bound except to make all necessary efforts. And in all candor he made all

necessary efforts, and indeed the bill did come to the floor.

We had had this bill on the floor several times previously and never could get it to a vote. Take a situation of the pot calling the kettle black, about using the rules, no one in this body has a right to make that issue less than the gentleman who has—saw fit to criticize the procedure by which we are considering this bill.

Mr. HELMS. Mr. President, that is a personal attack. I ask the Chair rule. Make him cite when I have abused the rules of the Senate.

Mr. METZENBAUM. I did not say any Senator has abused the rules.

Mr. HELMS. Yes, you did. We will read the record back.

The PRESIDING OFFICER. Is the Senator from North Carolina asking that the reporter read the record back?

Mr. HELMS. No. I know what the record will show. If the Senator wants to change it and retract what he said—because I have never abused a rule of the U.S. Senate.

Mr. METZENBAUM. The Senator from Ohio has not suggested that the Senator from North Carolina has abused the rules of the Senate. The Senator from Ohio does make the point that the Senator from North Carolina has, as has the Senator from Ohio, used the rules of the Senate in order to make his point on many occasions.

Mr. HELMS. I accept that as a retraction.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Pardon?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. METZENBAUM. Mr. President, let me make it clear that this bill—that this agreement provided that it was to be considered by a date certain. Nobody had to vote for it or against it. And, by a vote of 10 to 4, the Judiciary Committee said that this bill should be considered by the entire Senate. The issue being debated, and which has been suggested by the Senator from North Carolina, is that once a matter is defeated in committee it should not be on the floor of the Senate. Let me point out that the controversial nomination of Judge Bork to be a Justice of the Supreme Court was defeated in committee but we sent it to the floor, notwithstanding that fact.

I am proud of the fact that this bill is on the floor. I am proud of the fact Members of this Senate are going to have an opportunity to vote on it. I want to point out to my colleague from North Carolina how this bill affects the North Carolina furniture industry. An entire industry in the State of North Carolina has been decimated by reason of the failure to be able to permit retail furniture dealers to market their products.

Mr. President, I am shocked at the comments of my colleague from North Carolina. He seems not to care about the potential demise of an entire industry in his own State of North Carolina. The North Carolina furniture retailers, especially those belonging to the North Carolina Retailers Association, had been nationally recognized by shoppers across this fine land of ours for providing extremely competitive prices in higher end home furnishings. Hundreds of millions of dollars were brought into the economy of North Carolina and consumers saved dollars in buying goods from these retailers. These retailers in North Carolina recently employed thousands. Today the furniture retail industry in North Carolina is a shambles.

In the last 6 months companies like Thornton Furniture and Furniture House, which visited with many Senators to share their plight, have gone under and closed their doors forever. They have been joined by other of their members. Nearly 25 percent of the retailers are on the verge of bankruptcy due to termination of their supply lines. An additional 40 percent of the members are in trouble, once again because of terminations by major manufacturers such as Pennsylvania House, Thomasville, Bernhardt, Henredon, Knob Creek, Century, Drexel Heritage, Labarge, Harden, et cetera, to name a few. These were major lines to these retailers. Workers in factories have not benefited because of the elimination of these price competitors. Thomasville and others are on a short work week.

To the Senator from North Carolina, I point out that they are making less money than if they were working full time. Less days means a smaller paycheck for these factory workers.

Let me also share with my colleagues examples of two other discount companies in North Carolina that have suffered pressure from full price retailers. Performance, Inc., located in Chapel Hill, for 9 years has provided cycling products to cycling enthusiasts across the United States. The last 2 years they have lost major vendors such as Cannondale Corp. and Specialized, both of whom tried to force Performance, Inc., to sell at higher prices because of complaints from full price competitors.

The Nation's largest catalogue of water sporting goods, Overton's, with three showrooms in North Carolina, has experienced tremendous problems with vendors like Connelly Water Skis. They ran into trouble for selling a pair of skis that sell for over \$200, 5 cents to 0 low. Can you imagine for 5 cents Overton's ran into trouble and the wrath of full price retailers complaining to common suppliers. I'm shocked that a Senator from North Carolina could be opposed to this important legislation which helps preserve price competition and the ability of many of his own retailers to continue to com-

pete in the marketplace. Surely the gentleman from North Carolina doesn't believe that his home State should not have the benefits which a viable retail market brings to the economic health of his State.

Mr. President, let me conclude by saying I am proud of the fact that this bill is on the floor of the Senate. I am proud of the fact that the Members of this Senate are going to have an opportunity to vote or it, and the issue is going to be whether or not we move forward and bring the matter to issue; whether or not we vote up or down on the bill.

I hope that all Members of this Senate will recognize that this bill is before us; it is a consumer bill; it is a bill that, if you are concerned about the consumers of this country—and yes, in the case of the retail furniture dealers in North Carolina and so many others who have discounted prices—if you are concerned about the jobs in those industries then I hope all Members of the Senate will see fit to vote "yes" and vote cloture so we can get on to the merits of the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. METZENBAUM. I thank the Senator from Arizona.

Mr. DECONCINI. I am glad to accommodate the Senator from Ohio. I thank him also.

PEACE MAY FINALLY BE AT HAND IN ANGOLA

Mr. DECONCINI. I am pleased to join the Senator from Kansas, I see Senator KASSEBAUM here, today, to mark an event which I think all of us have long awaited and discussed many, many times on the floor here. It was announced last week that months of tedious and detailed negotiations between UNITA and the Government of Angola appear to have resulted in an agreement on two long sought after details—a date for a verifiable cease-fire between the parties, and a date for free and fair internationally monitored elections in Angola.

With the achievement of these twin goals, the killing and famine which have long plagued the people of Angola may finally be coming to an end. We are not there yet. After more than 15 years of civil war and decades of anticolonial fighting, animosity and distrust between UNITA and MPLA runs deep. There will undoubtedly be problems along the way.

Angola is a vast country and the accords will not be easy to implement, but both sides have a vested interest in ensuring that the accords are fully complied with. The people—who have suffered for far too long—will be certain to hold their leaders accountable for ensuring that peace is finally achieved.

First, however, Dr. Savimbi and President Dos Santos must sign the cease-fire accords. I am confident that Dr. Savimbi is eager to sign the document, having talked to him myself, now that a date has finally been confirmed. UNITA, under his leadership, has been calling for free and fair elections for a number of years. His tenacity in adhering to this goal is a mark of his willingness to compromise with the Angolan Government and be a good partner in the peace process.

I am hopeful that Dr. Dos Santos, who has demonstrated increased flexibility in the negotiations in recent months, will also be ready to sign this important document. Instead of a hastily convened photo opportunity for a handshake, as was experienced in the summer of 1989, these accords have been fully hammered out after considerable debate between the negotiators and among the rank and file of each party.

President Dos Santos' stewardship of the MPLA has helped, and I must say so publicly, to bring Angola to this point. It is now up to everyone involved on all sides of the issue to ensure that the momentum which we have gained thus far will continue.

I am hopeful that the cease-fire takes hold. As the preparations for multiparty elections continue, we in this country can move our rhetoric away from the polarized views that have so enraptured some groups in this country. Our initial policy toward Angola was a desire to end Soviet and Cuban military involvement in Angola and to allow the people of that country to freely choose what form of government they wanted themselves. Is that asking too much?

This policy was partially achieved when the implementation of the Tripartite accords, among Angola, Cuba, and South Africa in 1988 were signed. With the signing of the Angola cease-fire, which also ensures multiparty elections, this process will be completed.

Some people, however, believe that supports for UNITA was also support for South Africa and its form of government. I want to state as clearly as this Senator can that that is not the case with this Senator nor, I believe, with most of the Members of Congress who have supported UNITA.

I voted to override President Reagan's veto of the South African sanction bill, and I continue to hope that that process begun by President de Klerk will result in true democracy in South Africa. I want the same for Angola: A government chosen through free and fair multiparty democratic elections. We witnessed this achievement in Namibia. We also want this for South Africa and Angola, and we want to see it come about under the terms of this agreement.

So to say that Africa is not ready for democracy is condescending at best and, dare I say it racist at worst. Our goal for every country in Africa, from South Africa to Angola, from Kenya to Zaire, should be the same as it is for every country in Eastern Europe, every country in Latin America, and every country in the Middle East: A freely chosen democratic government. It is also important to recognize the work of those who have helped keep the process on track.

The Soviet willingness to end its delivery of massive military aid, combined with the thaw in United States-Soviet relations under the able leadership of former Soviet Foreign Minister Eduard Shevardnadze, was essential in reaching this stage. We also owe a debt of gratitude to the Portuguese Government for using its good offices to conduct the negotiations and for choosing Don Barroso to lead the talks.

I might also add, going back to the Soviet Union, President Gorbachev also played a role in this by designating Mr. Shevardnadze to find a solution to this particular problem and to agree to reduce the amount of arms shipped to Angola.

Secretary of State James Baker deserves our commendation for steadfastly maintaining the United States policy of support for UNITA and for bringing the Soviets along in the peace process.

Finally, I want to express to the Senate my thanks and appreciation to Assistant Secretary Hank Cohen for his tenacity and vision to urge, cajole, and prod both UNITA and the MPLA to the negotiating table. Also to his predecessor, Chester Crocker, who also demonstrated that you can achieve something if your principle is right and you are willing to take the time and persist and prod each side time and time again. Both these gentlemen did that and they did it—and I thank them for it—in consultation with a number of us here in the Congress of the United States through trying to maintain our support for our commitment of assistance to UNITA.

Much more must be accomplished in order to successfully complete this process and will not be easy.

To further this process, I am going to introduce a resolution supporting the peace process congratulating the parties involved for their willingness to compromise and calling for appropriate humanitarian assistance. This assistance is designed to help end the suffering of the people of Angola and to encourage them to maintain the course for peace. We must recognize that just as the United States played a role in Angola's civil war, so will it play a constructive role in Angola's peace and national reconciliation.

I thank the Chair.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas [Mrs. KASSEBAUM].

PROGRESS TOWARD ENDING THE ANGOLAN CIVIL CONFLICT

Mrs. KASSEBAUM. Mr. President, I am pleased to be able to join with the Senator from Arizona [Mr. DECONCINI] and also the Senator from Illinois who is now on the floor, Mr. SIMON, who played a critical role through the years in following the revolution in Angola; particularly, Senator DECONCINI who has followed so closely the events taking place there, particularly, the work of Dr. Savimbi.

On May 1, after nearly a month of nonstop negotiations, top Angolan Government and Unita officials initiated agreements on a cease-fire and political issues. This event marks a dramatic and very important step toward ending the tragic civil conflict in Angola.

The initialed accords set forth a framework for the peaceful resolution of Angolan civil war. Under the settlement, by May 15, after consultations, both sides should formally agree to the documents. At that time, a de facto cease-fire goes into effect until the formal cease-fire signing ceremony takes place in late May. In June, U.N. observer groups assume responsibility for monitoring the cease-fire and assisting with the integration of a national army. As the cease-fire goes into effect, all outside lethal assistance ceases. The process then calls for multiparty elections, scheduled between September and November 1992.

Mr. President, this settlement was the outcome of complex and very difficult negotiations over fundamental issues about the future of the Angolan nation. The positive outcome of these talks illustrates the tremendous flexibility shown by both the Angolan Government and Unita.

The agreement in Lisbon also symbolizes the new relationship between the Soviet Union and the United States. For many years, Washington and Moscow fought the cold war through their respective Angolan clients. Now the Soviets and Americans are working in a constructive way—to end the tragic suffering in Angola.

Assistant Secretary of State for African Affairs Herman Cohen and Secretary of State James Baker have played very important and constructive roles in the progress attained to this date. I commend their efforts.

I also commend the efforts of the Portuguese mediators, particularly Secretary of State for Foreign Affairs Dr. Barroso, whose forbearance and determination kept the talks on track even in difficult times.

As we recognize this most recent step toward peace in southern Africa, we should acknowledge the tremendous contributions of former Assistant Sec-

retary Chet Crocker to the resolution of the Angolan conflict. Dr. Crocker worked patiently for 8 long years, negotiating the independence of Namibia and the withdrawal of Cuban troops from Angola. His dedicated efforts set the stage for the progress achieved last week in Lisbon.

Mr. President, while we recognize the important steps toward peace in Angola, many roadblocks still stand in the way of a lasting settlement. A national army must be constructed out of the two conflicting factions, demobilizing thousands of soldiers. The Angolan Government must reform its statist economy while campaigning for the 1992 elections. Age-old rivalries and tensions must be transformed into trusting relationships. The peace process is fraught with many risks.

Just as the United States, the Soviet Union, and Portugal have invested much time and effort into reaching the settlement in Lisbon, the three nations must remain focused on Angola in the coming months—working with both the Angolan Government and Unita to ensure that the principles in the settlement are implemented. This is a unique opportunity for peace in Angola, one which must be seized—or perhaps lost forever.

We in Congress should continue to focus on promoting peace, democracy, and development in Angola. Many hours have been spent on this floor debating the direction of United States policy toward Angola. I would hope that this level of interest would not subside—that we will be just as concerned about a peaceful and democratic Angola, as we have been in a divided and embattled one.

Mr. President, the potential ending of the conflict in Angola is an important event for all of Africa. Angola is a nation of tremendous economic resources. Combined with the dramatic changes in South Africa—where apartheid appears to be in its final stages—southern Africa now has the potential to emerge as an economic powerhouse. And a vibrant, peaceful, and democratic southern Africa can serve as an engine of growth for all of Africa.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I join my colleagues in welcoming the developments in Angola. I join in commending all of those who had anything to do with the developments there. Assistant Secretary of State Herman Cohen, better known as Hank Cohen, has been particularly instrumental in this whole field.

I differed with my colleague, Senator DECONCINI, on the wisdom of our assistance to the Savimbi side of things. I felt we should not get involved in the civil war situation. But that is history now.

I cannot help but contrast our very active assistance to Savimbi against

the Government there and our unwillingness to do almost anything to help the people who are struggling against Mr. Saddam Hussein in Iraq. There is some slight inconsistency, in terms of our policy.

But now we have moved to the point where the sides have come together. I have not seen the language of the legislation of my colleague from Arizona, Senator DECONCINI, but knowing his restraint I assume that is language to which I can agree. If it is general language of commendation, I would like to be listed as a cosponsor.

Mr. DECONCINI. I can assure the Senator it is.

Mr. SIMON. With that assurance of my colleague from Arizona, I ask unanimous consent to be added as a cosponsor, Mr. President.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

Mr. SIMON. In ways we cannot know, we are all one people all over the world. We have just recently experienced the death of Norman Cousins, a remarkable man. But he said what is fascinating about the human equation is you can take the smallest particle of any human being and it is absolutely distinctive from every other human being on the face of the Earth, that DNA gene we have, and yet there is so much we have in common. How achieving peace in Angola is going to help that 15-month-old granddaughter I now have I cannot tell you, but I know instinctively in same way it is going to help that grandchild of mine.

This is good news for the people of Angola. It is good news for the people of that region of Africa. But it is good news for all of humanity. I join Senator KASSEBAUM and Senator DECONCINI in welcoming this development.

Mr. President, I yield the floor. If no one seeks the floor, Mr. President, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I want to assure my colleague from Alabama, who was just about to take the floor, I will be taking just a few minutes.

THE CONSUMER PROTECTION AGAINST PRICE-FIXING ACT OF 1991—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. SIMON. Mr. President, I rise in support of S. 429. I am pleased to be a cosponsor of this particular piece of legislation.

What it does is to protect the consumers of this country. That is simply all it does. It asks we let the free enterprise system function, that we not tolerate monopolistic tendencies.

The bill, as I understand it, does three things. It reaffirms that vertical price fixing is a per se violation of the antitrust laws. I do not think there is great disagreement on that, although to those who want to have the law protect their business interests and not have competition, I suppose there is objection to that.

The second section—and I think this is important—deals with the Monsanto case in the U.S. Supreme Court that makes it very difficult for an individual to file on the price-fixing matter.

The third thing it does is it reverses the Sharp decision of the Court and simply provides that an agreement between a manufacturer and one of his dealers to terminate another competing dealer because of a competing dealer's pricing policies is per se or automatically unlawful, whether or not a specific price or price level is agreed upon.

It hardly seems we are asking too much in those three things. That is what the bill does.

I ask unanimous consent, Mr. President, to insert in the RECORD an excellent letter to the editor which appeared in the New York Times from Attorney General Robert Abrams of the State of New York.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 18, 1991]

PRICE FIXING ALWAYS VICTIMIZES THE CONSUMER

To the Editor:

In the course of "Price Fixing Isn't Always Gouging" (editorial, April 1), your apologia for vertical price fixing, you assert that illegal conspiracies to boost the retail price of a product between manufacturers and their retailers "aren't common." This is particularly ill-timed.

Just a week earlier, all 50 state attorneys general ended one of the largest vertical price-fixing cases in the history of antitrust enforcement with an \$8 million settlement against the Japanese electronics giant Mitsubishi for an illegal scheme that cheated more than 260,000 United States purchasers of televisions.

A week after your editorial, 40 states, led by New York, joined the Federal Trade Commission in a case in which Nintendo, a company with \$4 billion in United States sales last year, illegally conspired to boost the price of its video game consoles to nine million consumers.

These cases are but the latest in a line that includes a 49-state settlement with Panasonic in 1989 and a 37-state settlement with Minolta in 1986. These cases involved millions of dollars in overcharging by vertical conspiracies. Of local interest to New Yorkers were cases we brought in 1981 in which 47 milk distributors pleaded guilty to criminal charges in a vertical price fixing scheme that inflated consumer prices.

The real issue is not whether or not illegal vertical price fixing exists: it's endemic. The

real issue is whether or not antitrust enforcers have the tools to find and prosecute these conspiracies. The two recent Supreme Court decisions you praised put extraordinary roadblocks in our way. These decisions did not, as you state, redefine if or when vertical price fixing is illegal. Rather, the Court adopted absurdly restrictive burden of proof requirements that makes it easy for companies to disguise their behavior so that illegal conspiracies cannot be brought to court by government enforcers or by the discount stores that are victimized by these practices.

Indeed, Terry Calvani, former Federal Trade Commissioner, said the Supreme Court's rulings left such big loopholes that a corporate officer would have to have "an I.Q. two points lower than a carrot" to get caught. Antitrust enforcers can recount scores of tales of retailers calling our officers too scared to give their names, telling of coercion and intimidation by manufacturers' representatives and rival dealers because their prices were too low. Under the Supreme Court's rules we would have little chance of making a case.

The effect of the bill sponsored by Senator Howard Metzenbaum, which you now oppose after years of consistent support for tough antitrust enforcement, would simply be to overturn these burden of proof requirements, so that vertical price fixing cases could go before juries. It would put teeth back into a statute that has been rendered virtually unenforceable, and 45 state attorneys general support it for that reason.

As to the economic effect of vertical price fixing, you pass it off as a generally benign process designed to "encourage better service to consumers." The reality is quite different. If manufacturers want better service, there are dozens of legal ways to require it directly, short of price fixing and raising retail prices. The true effect of vertical price fixing is exactly what one would expect: if you increase prices to consumers, you increase profits for the retailers and for the manufacturers.

The Federal Trade Commission found vertical price fixing inflates prices to consumers 10 percent to 23 percent.

ROBERT ABRAMS,

New York State Attorney General.

NEW YORK, April 12, 1991.

Mr. SIMON. I hope we will provide the 60 votes for the cloture vote, we will in this body stand up strongly and firmly for the consumers of this Nation. I think we have an obligation to do that, and I am pleased to stand up and support this piece of legislation.

I yield the floor.

Mr. HEFLIN. Mr. President, I appreciate the opportunity to rise and discuss this important piece of legislation. The subject of illegal price fixing is a significant issue facing today's marketplace. However, unlike the proponents of this bill, I do not believe that this issue and the surrounding law has reached a point which warrants congressional action. Therefore, I strongly oppose this bill and urge my colleagues to join me in seeing that this legislation is defeated.

This bill was voted down by a vote in the Judiciary Committee of 8 to 6. The reason we are here today is due to an unusual arrangement which was entered into by the chairman and ranking member of the Judiciary Commit-

tee with the chief proponent of this bill. I recognize that the leadership of the Judiciary Committee had strong reasons for entering into this agreement; namely, to ensure the passage of a number of important pieces of legislation which were pending during the closing days of the 101st Congress. I recognize the critical and devoted leadership that heads the Judiciary Committee, and I am not criticizing what they did. However, I voted against this legislation moving forward under the expedited procedures which were contained in this committee leadership agreement with Senator METZENBAUM. However, the vote to report the bill to the floor was by a 10-to-4 vote, but it was a vote to report it without recommendation.

This bill purports to do three things. It will codify the per se rule against vertical price restraints. That is already in the law. It is the law, and it adds nothing to the body of the law in regard to the per se rule.

Second, the bill provides for a change in the evidentiary standard necessary for a vertical price-fixing case to reach the jury. This is my major complaint about the proposed legislation.

Third, the bill substantially changes the antitrust laws to provide an agreement between a supplier and one of the supplier's purchasers to terminate another competing purchaser because his policy is per se unlawful, whether or not price or a price level has been agreed upon.

Let me note that I clearly believe that vertical constraints on price or price levels are and should be illegal. This is a longstanding part of the antitrust laws and one which should not be changed. However, I also believe that the case has not yet been made for substantially altering existing law, and further, for legislatively overturning the Supreme Court decisions in *Monsanto versus Spray-Rite*, and *Business Electronics versus Sharp Electronics*.

The *Monsanto* case was the opinion of the unanimous Supreme Court. I note that Justice Brennan, Justice Marshall, and all of the Justices voted for the *Monsanto* opinion. In that case, the Court went to great lengths to try to describe the evidentiary standards necessary for a vertical price-fixing case to reach a jury. This case followed the longstanding precedent of the *United States versus Colgate Co.* case, which held that to have a vertical price-fixing case there must be some type of conspiracy between the players, and that the independent and unilateral action of a distributor to terminate a retailer does not give rise to an antitrust violation.

This proposed bill totally abrogates the history and tradition of the antitrust laws. The first sentence of the Sherman Act states:

Every contract, combination in the form of a trust or otherwise, or conspiracy, in re-

straint of trade or commerce among the several States, or with foreign nations, is declared to be illegal.

This bill does violence to this statement and to the longstanding interpretation of the Sherman Act.

The bill generally overturns the *Monsanto* decision and provides, in order for an antitrust case to reach a jury, there merely needs to be, one, a complaint; second, a subsequent termination. First, a complaint by a retailer to a distributor about unfair price competition; and second, a subsequent termination of a competing retailer by the distributor.

Such a lenient standard is contrary to the whole notion of the antitrust laws that there be some type of conspiracy or agreement between the participants in the marketplace. As a result, if this legislation is enacted, there will be a substantial chilling effect on business communication. Retailers and distributors will simply cease to have open and frank business communications for fear that their talks may someday give rise to an antitrust lawsuit.

I think this is a very complicated matter, a matter that a great number of people will not understand. It deals with evidentiary standards to prove a conspiracy or to prove an agreement relative to price fixing. I think the analogy can be given in criminal law as to the effect that if a person that is charged was at the scene of the crime and there was a weapon there and a deceased person, that is about all that is necessary to say that the accused was guilty of murder, or of a homicide, or at least it could go to the jury.

When we look and see about this matter, it appears to me that the courts are better equipped to make the determination in regard to an evidentiary standard. Actually, the author of the Sherman Act aptly expressed this sentiment over 100 years ago in what he said the way he thought these cases ought to be determined. He said:

It is difficult to define in legal language the precise line between lawful and unlawful combinations. This must be left for the courts to determine in each particular case. All that we as lawmakers can do is declare general principles, and we can be assured that the courts will apply them so as to carry out the meaning of the law, as the courts of England and the United States have done for centuries.

This was stated in 1889. I think it is still applicable today.

We are at a stage where we are dealing with a summary judgment. I would guess there are many Members of the Senate that are not familiar with court proceedings and do not understand what is a summary judgment. Without going into all of the details, it seems to me that the determination of the evidentiary standard ought to be made by the courts rather than by Congress in this instance.

In addition to overturning the unanimous Supreme Court in *Monsanto*, the proponents of this bill are seeking to overturn a 6-2 decision of the Court in *Business Electronics Corp. versus Sharp Electronics Corp.* It is interesting to see that the two dissenters were Justice White and Justice Stevens. Justice Brennan and Justice Marshall voted with the majority in the *Sharp* case.

I do not think there were any two members of the Supreme Court who were more consumer minded than Justice Brennan was when he was on the Court, and Justice Marshall. Nevertheless, they felt that the evidentiary standards established by the Court in *Monsanto* were correct for consumers and that they were correct for business.

There has to be a balance in regard to court cases, and there has to be a balance in regard to evidentiary standards. In *Sharp*, the Court held that "a vertical price restraint is not illegal per se, unless it includes some agreement on price or price levels."

This statement of the Court needs some background and explanation. The antitrust laws provide two standards for determining whether some action is illegal. The first is the per se rule. That is, when you have the proof that there is an agreement, or a combination, or conspiracy, then automatically it is illegal, and it is a violation of the law.

The antitrust laws provide another standard in some instances. The first, as I mentioned, was the per se rule. This rule generally provides that actions which are undertaken by the parties who are accused of wrongdoing are generally assumed to be illegal. This is a very high and a very harsh, but proper, standard and is only used in cases which are especially harmful to the marketplace.

The other standard by which antitrust cases are measured is known as the "rule of reason" test. This standard is lower than the per se rule and generally provides that the factfinder, after all of the evidence is in, must decide that the alleged actions are more harmful than helpful to the marketplace.

Given this context, what the Court was basically saying in the *Sharp* decision is that if this very high per se rule is going to be used to judge the illegality of the anticompetitive actions, there must have been some agreement between the parties as to price or price levels. Further, even if the anticompetitive action never resulted in an agreement as to price or price level, then a "rule of reason" analysis will still apply in such a case.

The proponents of this bill want to abolish this important standard and relax the standards which are necessary in order to be able to use the per se rule. By suggesting such a course of

action, the proponents are not realistically looking at the business marketplace, because by suggesting a lower threshold for using this per se rule, they are simply inviting the floodgates of litigation to overwhelm the Federal courts by relaxing the standards necessary to prove an antitrust lawsuit.

In conclusion, I note that over the years, as the Judiciary Committee has reviewed this legislation, there has been a substantial change of opinion. The Judiciary Committee has progressed over 4 years from strongly supporting this bill, to barely reporting out the bill during the last Congress, to taking a position in opposition to this legislation. Given time to examine the issues surrounding this bill and the application of these Supreme Court precedents, the committee has reached the conclusion that this legislation is simply not necessary. In fact, it will be affirmatively harmful to American business and American consumers. I say "to consumers" because I think it will chill communications. Communications between business people, the distributor, and the retailer is extremely important in ascertaining many aspects dealing with merchandise. During my tenure in the Senate, I have fought hard for consumers and working men and women both in Alabama and throughout the United States. I believe if this legislation is enacted, it will potentially have a serious chilling effect on communications between manufacturers and dealers and thereby impact on the overall quality and service available to consumers. Therefore, this legislation should be rejected.

I urge my colleagues to join with me in opposing this needless legislation and continue to leave it up to the courts on these very complicated and technical matters, rather than Congress getting itself involved in such.

I yield the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FISHERIES AGREEMENT BETWEEN THE UNITED STATES AND THE REPUBLIC OF ICELAND—MESSAGE FROM THE PRESIDENT—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to 16 U.S.C. 1823, was referred jointly to the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (Public Law 94-265; 16 U.S.C. 1801 *et seq.*), I transmit herewith the Agreement between the Government of the United States of America and the Government of the Republic of Iceland Amending and Extending the Agreement of September 21, 1984, Concerning Fisheries off the Coasts of the United States, as amended and extended. The agreement, which was effected by exchange of notes at Washington on February 11 and April 5, 1991, copies of which are attached, extends the 1984 agreement for an additional 2 years and 6 months, from July 1, 1991, to December 31, 1993. The exchange of notes together with the 1984 agreement constitute a governing international fishery agreement within the requirements of section 201(c) of the Act. The exchange of notes also amends the 1984 agreement to incorporate the latest changes in U.S. law and policy into the agreement.

I urge that the Congress give favorable consideration to this agreement at an early date.

GEORGE BUSH.

THE WHITE HOUSE, May 6, 1991.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate on January 3, 1991, the Secretary of the Senate, on April 30, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 173. Joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

Under the authority of the order of the Senate on January 3, 1991, the enrolled joint resolution was signed on May 6, 1991, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 1:39 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 258. A bill to correct an error in the Solar, Wind, Waste, and Geothermal Power Production Incentives Act of 1990.

The message also announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1236. An act to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes;

H.R. 1455. An act to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes;

H.R. 1988. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes;

H.R. 2122. An act to authorize emergency humanitarian assistance for fiscal year 1991 for Iraqi refugees and other persons in and around Iraq who are displaced as a result of the Persian Gulf conflict;

H.J. Res. 109. Joint resolution designating each of the weeks beginning May 12, 1991, and May 10, 1992, as "Emergency Medical Services Week";

H.J. Res. 120. Joint resolution to designate May 1991 as "National Physical Fitness and Sports Month";

H.J. Res. 141. Joint resolution designating the week beginning May 13, 1991, as "National Senior Nutrition Week";

H.J. Res. 194. Joint resolution designating May 12, 1991, as "Infant Mortality Awareness Day"; and

H.J. Res. 214. Joint resolution recognizing the Astronauts Memorial at the John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 109. A concurrent resolution commemorating the thirtieth anniversary of the ratification and entry into force of the Antarctic Treaty on June 23, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals development and related activities for at least 99 years at the current meeting of the parties to the Antarctic Treaty in Madrid, Spain.

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1236. An act to revise the national flood insurance program to provide for mitigation of potential flood damages and management of coastal erosion, ensure the financial soundness of the program, and increase compliance with the mandatory purchase requirement, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1988. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.J. Res. 109. Joint resolution designating each of the weeks beginning May 12, 1991, and May 10, 1992, as "Emergency Medical Services Week"; to the Committee on the Judiciary.

H.J. Res. 120. Joint resolution to designate May 1991 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

H.J. Res. 141. Joint resolution designating the week beginning May 13, 1991, as "National Senior Nutrition Week"; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 109. A concurrent resolution commemorating the thirtieth anniversary of the ratification and entry into force of the Antarctic Treaty on June 23, 1991, and encouraging the United States to support efforts to achieve an international agreement establishing Antarctica as a region closed to commercial minerals development and related activities for at least 99 years at the current meeting of the parties to the Antarctic Treaty in Madrid, Spain; to the Committee on Foreign Relations.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on April 26, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 98. Joint resolution to express appreciation for the benefit brought to the Nation by Amtrak during its twenty years of existence; and

S.J. Res. 102. Joint resolution designating the second week in May 1991 as "National Tourism Week."

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Under the authority of the order of the Senate of April 23, 1991, the following reports of committees were submitted on May 2, 1991, during the recess of the Senate:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

S. 676. A bill to provide for testing for the use, in violation of law or Federal regula-

tion, of alcohol or controlled substances by persons who operate aircraft, trains, and commercial motor vehicles, and for other purposes (Rept. No. 102-54).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1031. A communication from the General Sales Manager and Associate Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, modification to agricultural commodities and quantities available for programming under Public Law 480 during fiscal year 1991; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1032. A communication from the Administrator of the Rural Electrification Administration, transmitting, pursuant to law, a report entitled "Return to the Mission"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1033. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated April 1, 1991; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-1034. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Remanufacturing Study"; to the Committee on Armed Services.

EC-1035. A communication from the Chief of the Special Actions Branch, Congressional Inquiry Division, Office of the Chief of Legislative Liaison, Department of the Army, transmitting, pursuant to law, a report on the decision to retain the Commissary Storage and Issue function at Fort Jackson, South Carolina, as an in-house operation; to the Committee on Armed Services.

EC-1036. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 159 of title 10, United States Code, to authorize the Secretary of Defense, or his designee, to acquire leasehold interests in real property in support of special operations forces and activities; to the Committee on Armed Services.

EC-1037. A communication from the Assistant Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to create a Physician Assistant Section within the Army Medical Specialist Corps; to the Committee on Armed Services.

EC-1038. A communication from the Assistant Secretary of Energy (Defense Programs), transmitting, pursuant to law, notice of a delay in the submission of the report on manufacture of nuclear stockpile weapons; to the Committee on Armed Services.

EC-1039. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the annual report on applications for delays of notice and customer challenges under provisions of the Right of Financial Privacy Act for calendar year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-1040. A communication from the Assistant Attorney General (Legislative Affairs), transmitting, pursuant to law, the annual report on enforcement activities relating to the Equal Credit Opportunity Act for calendar year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-1041. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board of Governors of the Federal Reserve System for calendar year 1990; to the Committee on Banking, Housing, and Urban Affairs.

EC-1042. A communication from the Acting Assistant Secretary of the Treasury (Legislative Affairs), transmitting, pursuant to law, guidelines issued by financial regulators to clarify certain regulatory and accounting policies; to the Committee on Banking, Housing, and Urban Affairs.

EC-1043. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the interim report on the property disposition strategies of the Department of Housing and Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

EC-1044. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving United States exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-1045. A communication from the President of the Oversight Board, and the Executive Director of the Resolution Trust Corporation, transmitting, pursuant to law, the semiannual reports on the activities and efforts of the RTC, the Federal Deposit Insurance Corporation, and the Oversight Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-1046. A communication from the Secretary of Housing, and Urban Affairs, transmitting, pursuant to law, a report entitled "Radon in HUD Assisted Multifamily Housing: Policy Recommendations to Congress"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1047. A communication from the Secretary of Housing, and Urban Affairs, transmitting, pursuant to law, a report on barriers to resident management in public housing; to the Committee on Banking, Housing, and Urban Affairs.

EC-1048. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit-resolution Trust Corporation's 1989 Financial Statements"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1049. A communication from the Acting Chairman of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, a report entitled "Personal Property Appraisal Study"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1050. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit-Resolution Funding Corporation's 1989 Financial Statements"; to the Committee on Banking, Housing, and Urban Affairs.

EC-1051. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, notification that the growth of the real Gross National Product during the first calendar quarter of 1991 indicated that growth was less than 1.0

percent during that quarter and the preceding quarter; to the Committee on the Budget.

EC-1052. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a "Pay-as-you-go" report; to the Committee on the Budget.

EC-1053. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-1054. A communication from the Principal Deputy Secretary of Defense (Production and Logistics), transmitting, pursuant to law, a report on the Department of Defense Metric Transition Program for fiscal year 1990; to the Committee on Commerce, Science, and Transportation.

EC-1055. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on the status of actions taken to reduce adverse impact from aircraft overflights of National Park units; to the Committee on Commerce, Science, and Transportation.

EC-1056. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual technology transfer report for fiscal year 1991; to the Committee on Commerce, Science, and Transportation.

EC-1057. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Emergency Flow Restricting Devices Study"; to the Committee on Commerce, Science, and Transportation.

EC-1058. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Improved Brake Systems for Commercial Motor Vehicles"; to the Committee on Commerce, Science, and Transportation.

EC-1059. A communication from the Assistant Secretary of Commerce (Tourism Marketing), transmitting, pursuant to law, a marketing plan for fiscal year 1992 designed to stimulate and encourage travel to the United States from nations abroad; to the Committee on Commerce, Science, and Transportation.

EC-1060. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to withdraw certain public lands in Eddy County, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

EC-1061. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report on activities carried out under the Youth Conservation Corps Act for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-1062. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report stating that it is necessary to construct modifications to the Verde River dams (Bartlett and Horeshoe Dams), Salt River Project, Arizona; to the Committee on Energy and Natural Resources.

EC-1063. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1064. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1065. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1066. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1067. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1068. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-1069. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the text of the long-term timber sale contracts in Alaska; to the Committee on Energy and Natural Resources.

EC-1070. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on operating, statistical, and financial information about the Government's helium program for fiscal year 1990; to the Committee on Energy and Natural Resources.

EC-1071. A communication from the Assistant Secretary of Conservation and Renewable Energy of the Department of Energy, transmitting, pursuant to law, a quarterly report on expenditures and enforcement actions during the first quarter of fiscal year 1991; to the Committee on Energy and Natural Resources.

EC-1072. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1990 annual report for the Interior Department's Office of Surface Mining Reclamation and Enforcement; to the Committee on Energy and Natural Resources.

EC-1073. A communication from the Assistant Secretary of Conservation and Renewable Energy, transmitting, pursuant to law, an annual report on the use of alcohol in fuels; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 986. A bill to amend title 28, United States Code, to expand the original jurisdiction

of Federal district courts in certain civil actions; to the Committee on the Judiciary.

By Mr. MITCHELL:

S.J. Res. 137. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985. A joint resolution; to the Committee on the Budget, pursuant to the order of section 258(a)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985.

By Mr. SPECTER:

S.J. Res. 138. A joint resolution designating August 6, 1991 as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred, or acted upon, as indicated:

By Mr. RIEGLE:

S. Res. 119. A resolution to express the sense of the Senate that the United States should recognize the Government of the Republic of Lithuania; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL:

S.J. Res. 137. Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; pursuant to section 258(a)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to the Committee on the Budget.

SUSPENSION OF CERTAIN PROVISIONS OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that a letter from Mr. Reischauer of CBO, relating to the resolution just introduced, be placed in the RECORD following the text of the joint resolution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 137

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that the conditions specified in section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met, and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 30, 1991.

HON. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Under section 254(j) of the Balanced Budget and Emergency Defi-

cit Control Act of 1985 (2 U.S.C. 904(j)), the Congressional Budget Office must notify the Congress in the event of an economic slowdown. The section reads in part:

(j) Low-growth report.—At any time, CBO shall notify the Congress if—

(2) the most recent of the Department of Commerce's advance preliminary or final report of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediate preceding quarter is less than one percent.

This letter serves to notify the Congress that on April 26, 1991, the Department of Commerce's advance report on the growth of real Gross National Product during the first calendar quarter of 1991 indicated that growth was less than 1.0 percent during that quarter and the preceding quarter.

Sincerely,

ROBERT D. REISCHAUER,
Director.

By Mr. SPECTER:

S.J. Res. 138. Joint resolution designating August 6, 1991 as "National Neighborhood Crime Watch Day"; to the Committee on the Judiciary

NATIONAL NEIGHBORHOOD CRIME WATCH DAY

Mr. SPECTER. Mr. President, today I introduce a joint resolution which commends the Nation's Neighborhood Crime Watch groups and designates August 6, 1991, as "National Neighborhood Crime Watch Day."

One such group, the National Association of Town Watch [NATW] has made significant contributions in helping neighborhoods throughout the country in their fight against crime. The association's seventh annual national night out crime prevention project, which was held August 7, 1990, involved citizens and police in 8,140 communities in all 50 States, U.S. territories, Canadian cities, and military bases around the world. Three years ago, I joined then-Vice President Bush and NATW's executive director, Matt Peskin, for the kickoff ceremony in Philadelphia. Two years ago, the kickoff ceremony was hosted by the Federal Bureau of Investigation [FBI] and its Director William Sessions here in Washington, DC.

During national night out, residents in neighborhoods across the Nation will sit on lighted porches, enjoy visits from local police, and participate in a variety of special events such as block parties, cookouts, and parades.

Nationally, 20.8 million Americans participated in national night out in 1990. This unique anticrime effort heightens crime prevention awareness and reunites communities and local law enforcement agencies.

The theme for national night out 1991 is "Give Neighborhood Crime and Drugs a Going Away Party." This theme represents an important message: That neighborhood crime watch groups make a valuable contribution to the Nation's war on drugs by helping to prevent their communities from becoming markets for drug dealers.

The National Association of Town Watch is a unique organization, serving as liaison among thousands of communities involved in crime prevention programs and representing the entire spectrum of programs concerned with the serious problem of crime in our neighborhoods. As such, it helps coordinate the anticrime efforts of, and provides information and assistance to, the many communities involved in organized crime prevention programs.

Under the leadership of Mr. Matt Peskin, NATW received the prestigious National Constituency Organization Award in 1986 and 1988, presented by the Crime Prevention Council, the Crime Prevention Coalition, and the U.S. Department of Justice, for the association's extraordinary efforts in fighting crime.

In association with other anticrime organizations, NATW works to reduce the neighborhood crime rate and to enhance the police-community relationship. Nearly obsolete in the 1960's and 1970's, the notion of the police and community cooperating with each other now is being institutionalized. No longer are people as afraid to call the police, and law enforcement organizations now recognize the citizens' role in fighting crime.

In correspondence with my office, the U.S. Department of Justice noted that "NATW has done exemplary work and has made significant contributions to the overall national crime prevention effort." The Department also indicated that "national night out is an excellent program and should be continued."

As a former district attorney, current member of the Senate Judiciary Committee and cochairman of the congressional crime caucus, I have actively pursued initiatives to fight street crime. Accordingly, I commend the efforts of NATW and all the participants in national night out.

Mr. President, I urge my colleagues to join in supporting this important resolution to recognize the active involvement of neighborhood organizations in the ongoing fight against crime and designate August 6, 1991, as National Neighborhood Crime Watch Day.

I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 138

Whereas neighborhood crime is of continuing concern to the American people;

Whereas the fight against neighborhood crime requires people to work together in cooperation with law enforcement officials;

Whereas neighborhood crime watch organizations are effective at promoting awareness of, and participation of volunteers in, crime prevention activities at the local level;

Whereas neighborhood crime watch groups can contribute to the national war on drugs

by helping to prevent their communities from becoming markets for drug dealers;

Whereas citizens across the United States will soon take part in a "National Night Out", a unique crime prevention event which will demonstrate the importance and effectiveness of community participation in crime prevention efforts by having people spend the period from 8 to 10 o'clock p.m. on August 6, 1991, with their neighbors in front of their homes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 6, 1991, is designated as "National Neighborhood Crime Watch Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe National Neighborhood Crime Watch Day with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. DODD, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 5, a bill to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

S. 108

At the request of Mr. PRESSLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 108, a bill to make a technical amendment to the Mount Rushmore Commemorative Coin Act to conform to the intent of Congress.

S. 200

At the request of Mr. PRYOR, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 200, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions from broker reporting requirements, and to make certain clarifications relating to such requirements.

S. 202

At the request of Mr. COCHRAN, the name of the Senator from Nevada [Mr. REID] was withdrawn as a cosponsor of S. 202, a bill to amend the Fair Labor Standards Act of 1938 to exempt from such act certain individuals involved in model garment programs, and for other purposes.

S. 240

At the request of Mrs. KASSEBAUM, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 279

At the request of Mr. BRYAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 279, a bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes.

S. 327

At the request of Mr. BOREN, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 327, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 358

At the request of Mr. INOUE, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 358, a bill to establish a temporary program under which perental diacetylmorphine will be made available through qualified pharmacies for the relief of intractable pain due to cancer, and for other purposes.

S. 433

At the request of Mr. BUMPERS, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 433, a bill to provide for the disposition of certain minerals on Federal lands, and for other purposes.

S. 463

At the request of Mr. HATFIELD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 463, a bill to establish within the Department of Education an Office of Community Colleges.

S. 466

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 466, a bill to amend the Internal Revenue Code of 1986 to provide for a renewable energy production credit, and for other purposes.

S. 511

At the request of Mr. DODD, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. GLENN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 511, a bill to establish programs to improve foreign instruction and to amend the Higher Education Act of 1965 in order to promote equal access to opportunities to study abroad, and for other purposes.

S. 567

At the request of Mr. SANFORD, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 567, a bill to amend title II of the Social Security Act to provide for a gradual period of transition—under a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927—and related beneficiaries—and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 602

At the request of Mr. SASSER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 602, a bill to improve the food

stamp and nutrition programs, and for other purposes.

S. 651

At the request of Mr. GARN, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 651, a bill to improve the administration of the Federal Deposit Insurance Corporation, and to make technical amendments to the Federal Deposit Insurance Act, the Federal Home Loan Bank Act, and the National Bank Act.

S. 673

At the request of Mr. DODD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 673, a bill to amend the Occupational Safety and Health Act of 1970 to establish an Office of Construction Safety, Health, and Education, to improve inspections, investigation, reporting, and recordkeeping on construction sites, to require the designation of project constructors who have overall responsibility for safety and health on construction sites, to require project constructors to establish safety and health plans, to require construction employers to establish safety and health programs, and for other purposes.

S. 715

At the request of Mr. BURNS, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 715, a bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to vehicles used to transport farm supplies from retail dealers to or from a farm, and to vehicles used for custom harvesting, whether or not such vehicles are controlled and operated by a farmer.

S. 717

At the request of Mr. SYMMS, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 717, a bill to amend title XVIII of the Social Security Act to provide for the exclusion of all rural areas from Medicare payment reductions for the services of new physicians provided in such areas.

S. 810

At the request of Mr. HARKIN, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 810, a bill to improve counseling services for elementary school children.

S. 843

At the request of Mr. BREAU, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 843, a bill to amend title 46, United States Code, to repeal the requirement that the Secretary of Transportation collect a fee or charge for recreational vessels.

S. 844

At the request of Mr. DOMENICI, the names of the Senator from Rhode Island [Mr. CHAFFEE], the Senator from North Dakota [Mr. BURDICK], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 844, a bill to provide for the minting and circulation of one dollar coins.

S. 845

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of S. 845, a bill to direct the Secretary of State to seek an agreement from the Arab countries to end certain passport and visa policies and for other purposes.

S. 847

At the request of Mr. BURNS, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 847, a bill to limit spending increases for fiscal years 1992 through 1995 to 4 percent.

S. 856

At the request of Mr. MACK, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 856, a bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the medicaid program, and for other purposes.

S. 860

At the request of Mr. DOLE, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 860, a bill to support democracy and self-determination in the Baltic States and the republics within the Soviet Union.

S. 878

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 878, a bill to assist in implementing the plan of action adopted by the World Summit for Children, and for other purposes.

S. 909

At the request of Mr. LEAHY, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 909, a bill to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities.

S. 914

At the request of Mr. GLENN, the names of the Senator from Kentucky [Mr. FORD], the Senator from Maryland [Mr. SARBANES], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 914, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the Nation, to protect such employees from improper political solicitations, and for other purposes.

S. 941

At the request of Mr. INOUE, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 941, a bill to provide for the establishment of a National Center for Youth Development within the Cooperative Extension Service to conduct activities to improve community-based adolescent health promotion and education in rural areas, and for other purposes.

SENATE JOINT RESOLUTION 36

At the request of Mr. PRESSLER, the names of the Senator from Maine [Mr. COHEN], the Senator from Colorado [Mr. BROWN], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 36, a joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 72

At the request of Mr. SPECTER, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the week of September 15, 1991, through September 21, 1991, as "National Rehabilitation Week."

SENATE JOINT RESOLUTION 82

At the request of Mr. SPECTER, the names of the Senator from Illinois [Mr. SIMON], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. RIEGLE], the Senator from North Dakota [Mr. BURDICK], the Senator from Washington [Mr. ADAMS], the Senator from California [Mr. SEYMOUR], the Senator from Alaska [Mr. STEVENS], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of Senate Joint Resolution 82, a joint resolution to designate the week beginning May 19, 1991, as "National Police Athletic League Week."

SENATE JOINT RESOLUTION 115

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Illinois [Mr. DIXON], and the Senator from Utah [Mr. GARN], were added as cosponsors of Senate Joint Resolution 115, a joint resolution to designate the week of June 10, 1991, through June 16, 1991, as "Pediatric AIDS Awareness Week."

SENATE JOINT RESOLUTION 120

At the request of Mr. INOUE, the names of the Senator from Virginia [Mr. ROBB], the Senator from Tennessee [Mr. GORE], the Senator from Kansas [Mr. DOLE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington [Mr. ADAMS], the Senator from New Jersey

[Mr. BRADLEY], and the Senator from Ohio [Mr. GLENN], were added as cosponsors of Senate Joint Resolution 120, a joint resolution to designate May 1991 and May 1992 as "Asian/Pacific American Heritage Month."

SENATE JOINT RESOLUTION 127

At the request of Mrs. KASSEBAUM, the names of the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. HELMS], the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. RIEGLE], the Senator from Arizona [Mr. MCCAIN], the Senator from Texas [Mr. BENTSEN], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Iowa [Mr. GRASSLEY], the Senator from Alabama [Mr. SHELBY], the Senator from Washington [Mr. ADAMS], and the Senator from Indiana [Mr. LUGAR], were added as cosponsors of Senate Joint Resolution 127, a joint resolution to designate the month of May 1991, as "National Huntington's Disease Awareness Month."

SENATE JOINT RESOLUTION 130

At the request of Mr. LAUTENBERG, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Joint Resolution 130, a joint resolution to designate the second week in June as "National Scleroderma Awareness Week."

SENATE JOINT RESOLUTION 133

At the request of Mr. HOLLINGS, the names of the Senator from Florida [Mr. MACK], the Senator from Maryland [Mr. SARBANES], the Senator from Utah [Mr. HATCH], the Senator from Alaska [Mr. STEVENS], the Senator from Delaware [Mr. BIDEN], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 133, a joint resolution in recognition of the 20th anniversary of the National Cancer Act of 1971 and the over 7 million survivors of cancer alive today because of cancer research.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. LAUTENBERG, the names of the Senator from Iowa [Mr. HARKIN], and the Senator from Washington [Mr. GORTON], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. GRAHAM], the Senator from Colorado [Mr. BROWN], and the Senator from Maine [Mr. MITCHELL] were added as cosponsors of Senate Concurrent Resolution 27, a concurrent resolution urging the Arab League to terminate its boycott against Israel, and for other purposes.

SENATE RESOLUTION 72

At the request of Mr. KASTEN, the names of the Senator from Alabama [Mr. SHELBY], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Resolution 72, a resolution to express the sense of the Senate that American small businesses

should be involved in rebuilding Kuwait.

SENATE RESOLUTION 119—URGING RECOGNITION OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA

Mr. RIEGLE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 119

Whereas the statehood and Government of the Republic of Lithuania were recognized, de facto, by Germany, Norway, Finland, France and Poland in 1919 and 1920 at a time when Lithuanian territory was effectively occupied by hostile foreign military forces;

Whereas the United States maintained a Commissioner in the Baltic states from 1919 to 1922, with the title of Minister, at a time when the United States Government had not yet recognized the statehood of Estonia, Latvia, and Lithuania;

Whereas the Republic of Lithuania was admitted to the League of Nations on September 22, 1921;

Whereas the statehood of Lithuania was recognized de jure on July 13, 1922, by Great Britain, France and Italy;

Whereas the Republic of Lithuania was recognized de jure by the United States on July 28, 1922, and subsequently concluded numerous binding international agreements with the United States;

Whereas the territory of the Republic of Lithuania was invaded and occupied by the armed forces of the Soviet Union on June 14, 1940, in contravention of the Charter of the League of Nations, the General Treaty for the Renunciation of War of 1928, the Lithuanian-Soviet Peace Treaty of 1920, the Lithuania-Soviet Non-Aggression Treaty of 1926, the Conventions for the Definition of Aggression of 1933, the Lithuanian-Soviet Mutual Assistance Pact of 1939, and generally-recognized principles of international law;

Whereas the annexation of the territory of the Republic of Lithuania was prospectively agreed to in certain secret protocols to a treaty of non-aggression concluded between the Government of the Soviet Union and the German Reich on August 23, 1939;

Whereas the United States Government has repeatedly indicated its refusal to recognize the annexation of the Republic of Lithuania;

Whereas the Governments of the United Kingdom, Canada, France, the Federal Republic of Germany, Norway, Iceland, Belgium, Switzerland, Luxembourg, Australia, the Holy See, Denmark, Ireland and Spain and many other states have refused to accord recognition to the 1940 annexation of Lithuania by the Soviet Union;

Whereas the Government of the United Kingdom, the Soviet Union and the United States are parties to the Atlantic Charter of August 14, 1941, in which the signatories declared their "desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned", affirmed their respect for "right of all peoples to choose the form of government under which they will live", and stated their wish "to see sovereign rights and self-government restored to those who have been forcibly deprived of them" during the course of the Second World War;

Whereas the state continuity and identity of the Republic of Lithuania has not been affected by the Soviet occupation of Lithuanian territory;

Whereas the United States Government has indicated its recognition of the de jure continuity of the Republic of Lithuania by the continued accreditation of the Legation and Consulates General of the Republic of Lithuania in the United States as well as Department of State declarations that Lithuanian state treaties with the United States remain "in force";

Whereas on February 24, 1990, the Lithuanian people were able to vote in free and fair elections for deputies to the Lithuanian Supreme Council;

Whereas on March 11, 1990, the freely-elected deputies of the Supreme Council of Lithuania declared the reestablishment of an independent government of the Republic;

Whereas the people of Lithuania have indicated overwhelming support for the Government of the Republic in spite of a 78-day Soviet economic blockade, hostile military maneuvers, the beating and deportation of young Lithuanian men by the Soviet army, the violent seizure of Lithuanian press and governmental buildings, and the massacre of Lithuanian civilians guarding the state television and broadcast center by Soviet troops;

Whereas over 90 percent of the voters who participated in the February 9, 1991 nationwide plebiscite voted for the independence of Lithuania;

Whereas Lithuania's governmental institutions, including the police, courts, judges, procurators, and civil administration, remain loyal to the Government of the Republic and exercise effective control over most of Lithuania's territory;

Whereas the United States has repeatedly stressed its support for the right of the Baltic peoples to self-determination and independence;

Whereas the people and Supreme Council of the Republic of Lithuania have appealed to the United States for recognition of the Government of the Republic of Lithuania;

Whereas there is no international legal impediment to the granting of de facto recognition to the Government of the Republic of Lithuania in that recognition of a government constitutes primarily a political act;

Whereas the United States Government has as a matter of diplomatic practice recognized numerous governments that have exercised less than full control over their state territory including the governments of Poland, Norway, France, Belgium, the Netherlands, Greece, Yugoslavia, and Czechoslovakia (1940-1945), the government of the Republic of China (1913-1979), the government of the Republic of Panama (1988-1989), and the government of Kuwait (1990-1991); and

Whereas de facto recognition is a provisional form of governmental recognition which does not necessarily imply the establishment of full state-of-state diplomatic relations: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States Government should—

(1) immediately recognize the government of the Republic of Lithuania de facto and issue a statement to that effect;

(2) should enter into discussions with the charge d'affaires of the Republic of Lithuania resident in Washington, District of Columbia, with a view to the upgrading of the status of the Lithuanian legation in Washington to that of an embassy;

(3) immediately enter into negotiations with representatives of the Government of the Republic of Lithuania with a view to the establishment of an official United States Representative Office in the Lithuanian capital, Vilnius, such representative office to be

headed by a citizen of the United States, not a member of the diplomatic corps, with the title of Commissioner; and

(4) enter into negotiations with representatives of the Government of the Republic of Lithuania and private United States corporate and philanthropic entities, with a view to the establishment and funding of a United States Foundation for Lithuania, with offices in Vilnius, Kaunas, and Klaipeda, to provide, *inter alia*, library facilities, language courses (including instruction in the Lithuanian language for non-Lithuanian speakers) and economic and fundamental business and municipal management instruction for Lithuanian citizens and residents so as to assist the population of Lithuania with respect to a peaceful and orderly transition to a free market economy and democracy;

(5) enter into negotiations with representatives of the Government of the Republic of Lithuania and interested third-party states, with a view to: (i) the provision of direct assistance to the government of the Republic of Lithuania, and (ii) the establishment of a Baltic Bank of Reconstruction and Development, the primary goal of which would be assistance to private entrepreneurs and farmers in the three Baltic states so as to assist citizens and residents of the Baltic states with respect to the pending transition to a free market economy; and

(6) in such negotiations regarding the proposed United States Foundation for Lithuania and the proposed Baltic Bank for Reconstruction and Development stress that the services of such institutions will be made available to Baltic citizens and residents (other than members of the army or state security services of the Soviet Union and governmental representatives or officials of the Soviet Union) without regard to any particular linguistic ability, sex, race, or ethnicity.

ADDITIONAL STATEMENTS

FEDERAL FUNDING FOR BASIC SCIENCE RESEARCH

● **Mr. ADAMS.** Mr. President, one of the most important issues facing our country today is the inadequate level of Federal funding for basic science research. This issue is important to our future as a nation and, as many university researchers are struggling just to maintain subsistence funding levels, deserves our attention.

Recently, I received a letter from a constituent, Mr. Len Pagliaro, Ph.D., acting assistant professor at the University of Washington. Mr. Pagliaro expressed grave concerns about insufficient funding for scientific research, and about the potentially deleterious effect of that insufficiency on our internationally recognized role as leaders in the field. Along with his letter, he included a booklet titled "Science: The End of the Frontier?" This booklet, which contains insightful information about the problems faced by the scientific community, concludes with an overview of the state of American scientific research and some suggestions for improving it. I believe these suggestions are very valuable and, by placing the conclusion to "Science:

The End of the Frontier?" in the CONGRESSIONAL RECORD, would like to share these insights with my colleagues. I ask that the conclusion to "Science: The End of the Frontier?" be printed in the RECORD.

The material follows:

AN END TO THE FRONTIER?

The warning in the AAAS survey is clear. American science shows signs of extreme stress. Morale is declining, students are turning away from science, and American leadership in scientific research, as measured by published papers and Nobel prizes, is threatening to go the way of the automotive, tire, machine tool, and consumer electronics industries.¹

The implications of the loss of such leadership are immense. Just as the "brain drain" drew talented scientists from Europe and the Third World to the United States in the 1950s and 1960s, so too will some American scientists (and potential immigrants) follow the frontiers of their fields to Europe, the Pacific Rim, or wherever they might be in the future. The pipeline of new research that has nourished our high-tech industry will dry up, crippling our ability to compete in a world where science and technology play an ever more important role.

We can already see ominous signs in economic trends. In 1986, for the first time in history, the United States imported more high-tech manufactured products than it exported. Residents of foreign countries now receive almost half of the patents granted by the U.S. Patent Office. And the three corporations registering the most U.S. patents last year were Canon, Toshiba and Hitachi.

Finally, we should not neglect to mention the more subtle, less quantifiable but nonetheless profound influence that science has upon society. We are a great nation which must value the culture that the success of science engenders. This success permeates society, generates self-confidence, inspires our youth, creates a sense of endless frontiers of the human mind and of human aspirations which would otherwise become increasingly confined in an ever-shrinking world. The loss of this scientific and technological exuberance would be another heavy price to pay, perhaps even the greatest penalty in the long run, for the decline of the research system.

The full effects of the impoverishment of basic research will not be felt next year or the year after. We have been living on our accumulated scientific capital for a while, and we will probably be able to do so for a while longer. But if we persist on this course, we can expect to see America's position in the world gradually weaken. We will watch as our technology-based products become less and less competitive in world markets. By then, of course, it will be too late.

It is the long-term nature of the enterprise that makes the issue so dangerous. Once we begin to weaken, there are many feedback forces that tend to accelerate the decline. The best people move on to other activities. Students are no longer attracted. The stream of immigrants diminishes. The essential influx of young investigators dries up. Within the range of possible outcomes are both acceptable and unacceptable consequences. Yet to wait rather than take action now is to invite a situation that will be

¹It is worth noting that the bulk of U.S. Nobel prizes in recent years have been based on work done before 1970.

difficult and very time-consuming to reverse.

CONCLUSIONS AND RECOMMENDATIONS

A large-scale anecdotal survey of some of the most capable and productive U.S. academic scientists has been carried out. The results are a clear warning that all is far from well in the laboratories of our research universities. The depressed state of the academic scientific community is attributed to a failure of our system of science funding to recognize and maintain the essential needs of a healthy infrastructure.

Science funding has increased steadily in the past several years, yet it is apparent that current levels are far below what is required for healthy, even lean, science. Perhaps this may give some policymakers a sense of frustration at the "ungrateful and insatiable scientists." Yet we are not alone in seeing this problem. Warnings have been creeping up everywhere. Almost five years ago, the Packard-Bromley report documented an obsolescence of university research equipment and evaluated the cost of renovation at \$10 billion. Since becoming the President's Science Advisor in 1989, Allan Bromley has continued to speak out about underinvestment in research, as has Frank Press, the President of the National Academy of Sciences. There is an emerging consensus among science policy leaders that we are not making the long-term investment in research required to restore our economic and scientific leadership.

The United States today finds itself slipping in its ability to compete with dynamic societies abroad. The new Europe, Japan and the Pacific Rim nations are increasing their investment in research, having already surpassed us in the various activities needed to convert research results to economic benefit. It is up to us as a nation to decide whether the U.S. will remain a major player in world science and science-based technology or whether we will continue to slide.

One could argue that since the results of basic research are globally available, we need maintain only the ability to read the scientific literature in order to compete in technology. However, the current large increases in European and Japanese investments in basic research and the dignity of a great nation argue against this. Looking over and above the economic factors are the complex issues of ecology, energy, and natural resources in a world which must, in the next century, see vast development in the South. Such development cannot be sustained without research to create the technologies which are required to reduce the uncertainties in environmental predictions and to solve the energy-ecology problem.

What would it take to relieve the acute problems in academic research and restore U.S. science to its pre-1968 excellence? Let us consider this question independently of "practical" constraints dictated by current events. My analysis of the complexity factor, the growth of new areas, and the increasing costs of research indicate that we should be spending at least twice as much as we were in 1968 (in constant dollars) if we are to approach the conditions of the golden age. Indications from NSF, NIH and DOE tend to confirm the pressure for a doubling of the current level of funding for academic science, which amounts to about \$10 billion a year. This huge sum could, I believe, be effectively deployed in two or three fiscal years.

Beyond this, in future years, I would argue that the growth of four percent per year in the number of academic scientists and the complexity factor growth estimate of five percent per year imply that a sustained

flourishing of academic research requires annual real growth of eight to ten percent. It has been estimated that this kind of growth would move the proposal success rate in NSF and NIH closer to 50 percent from the present much lower levels. Such an increment may sound substantial in our current climate, but as the economy responds, academic research would remain only a tiny fraction of total federal spending for many decades. Furthermore, even with such increases, it would be a decade or two before our level of nondefense research expenditure proportional to GNP would equal the 1989 levels of Japan or West Germany.

Can we afford this kind of money? In 1980, the President of the United States convinced the Congress and the American people that we must double the defense budget to \$300 billion a year. This was done and somehow the nation was able to absorb the cost. In 1990, the threat to the security of the nation lies in an endangered scientific infrastructure. The required sums are substantially smaller. The danger is long term but the longer we wait, the more difficult will be the remediation.

Let us for the moment accept that this investment in science funding is in fact required. How shall we proceed? In the present climate of deficits and escalating demands on the federal budget, there arises a fundamental policy dilemma. The federal deficit, the savings and loan bailout, the Persian Gulf crisis are real and immediate. The crisis of American science, no matter how serious, is a long-term affair—it is for our children and our children's children. Given the characteristic short-term philosophy that has dominated American policy for the past several decades, we have no illusions as to the probable fate of our recommendation.

Nevertheless, strong efforts must be made immediately to strengthen federal funding for research. Appropriations of NSF, NIH, DOE, and other federal agencies that support academic research should be increased sharply as soon as possible. Beyond this, however, in order to alleviate the dilemma of short-term priorities and long-term problems, I recommend that serious efforts be made to find innovative ways to fund academic research on a national scale *outside* of the regular federal budget. One approach might be to establish a trust fund supported by special taxes on high technology consumer products that benefit from basic research. Another possibility is to form a partnership between the government and the investment community. One can contemplate government bonds, designated for research, with interest keyed to the returns on that research.

To investigate such possibilities and others, I am recommending that a Commission be established consisting of representatives from the Executive and Legislative Branches of the federal government, industry, the financial community, and the academic community. AAAS should take the initiative in promoting and organizing such a Commission.

In addition to examining funding mechanisms, the Commission could also look at ways of improving the efficiency and the strategic planning of research funding and ways of assuring that academic research serves the nation most effectively. An assortment of problems we have not been able to address in this report cry for attention. I am, of course, aware that academic science is not the only component of higher education, and that the health of academia as a whole must be addressed. University issues such as graduate student support, the effect

of new tax policies on philanthropy, student stipends and the ability of institutions to raise capital should be examined where relevant to the research environment. The contentious issues of balance between big science projects and individual investigator research, and the role of centers versus project grants also demand attention. It seems entirely appropriate for AAAS, in collaboration with other organizations, to foster creation of a Commission to make a broad study of what it will take to make U.S. science whole again and to design an appropriate strategy. I stress that the time in short and the issues are urgent.

In concentrating on funding, I am aware that there is much we must do in those crucial activities which connect research results to economic utility. These involve subtleties of technology transfer, tax laws, marketing and other functions which the academic community has traditionally ignored, but with which it must learn to interface more gracefully. The Commission should include this important area in its charge.

Apart from establishing the Commission, the AAAS Board should make the communication of the precarious state of U.S. science a high priority. The best efforts of the Association must be applied to create an environment where the health of American science is widely perceived to be essential to the future of our nation. To that end, AAAS must provide leadership in rallying all segments of our society to the cause of rescuing U.S. science.

I conclude this report with an excerpt from Vannevar Bush's landmark report, *Science, the Endless Frontier*, which in 1945, set the nation on a course that has had profound consequences for its well being:

"It has been basic United States policy that Government should foster the opening of new frontiers. It opened the seas to clipper ships and furnished land for pioneers. Although these frontiers have more or less disappeared, the frontier of science remains. It is in keeping with the American tradition—one which has made the United States great—that new frontiers shall be made accessible for development by all American citizens.

"Moreover, since health, well-being, and security are proper concerns of Government, scientific progress is, and must be, of vital interest to Government. Without scientific progress the national health would deteriorate; without scientific progress we could not hope for improvement in our standard of living or for an increased number of jobs for our citizens; and without scientific progress we could not have maintained our liberties against tyranny."*

CEDAR VALLEY FOOD BANK

• Mr. GRASSLEY. Mr. President, I would like, at this time, to recognize a remarkable organization—the Cedar Valley Food Bank of Waterloo, IA.

The Cedar Valley Food Bank is celebrating 10 years of service in the Waterloo area. The food bank had a meager beginning, being born in a partitioned-off section of an abandoned school building, with no heat and no water. Electric and kerosene heaters were used to prevent the food and the volunteers from freezing. Later, the food bank space expanded to cover five floors in this old structure, which meant the volunteers had to con-

stantly navigate multiple flights of stairs attempting to distribute food to those in need.

In early 1988, the food bank volunteers and staff, working together, held a successful capital fund drive for relocation, remodeling, and equipment. Their goal of \$575,000 was more than surpassed, raising a total of \$650,000. This has enabled them to pay off the mortgage and purchase a new van. Also with the money raised, the food bank was able to buy a computer network as well as finance other capital improvements.

The food bank has expanded its services immensely in the past 10 years. They now provide meals for close to 27,000 people, a far cry from the modest 351 people served in 1981. This enormous effort would not be possible were it not for the men and women who give their time and talents for the service to others.

Mr. President, I would indeed like to salute and thank the Cedar Valley Food Bank, and its volunteers, for their efforts over the past 10 years, and wish them all the best in the future.●

FLORIDA'S APPRECIATION FOR AFRICAN-AMERICAN ART

● Mr. GRAHAM. Mr. President, African-Americans have culturally, and educationally enriched our Nation; yet, they have often been denied the recognition that their contributions deserve. These contributions include a wealth of artistic work. As a society, we need to cultivate a stronger appreciation for African-American art.

The State of Florida recently purchased the Barnett-Aden African-American art collection, the oldest chartered collection of classical African-American art in the country. It was acquired by the Florida Endowment Fund for Higher Education in their commitment to providing educational opportunities for African-Americans and other socially disadvantaged minorities. This collection will be a vital tool for the community to learn about and experience the artistic contributions of African-Americans.

The museum, which opened on April 9, 1991, is the first of its kind in the State of Florida and only 1 of 10 in the entire Nation. It is the first to ever start with an entire collection intact.

I would like to encourage other communities to sponsor similar exhibitions. Such a museum offers a valuable educational experience to all its visitors, not to mention the potential to draw thousands of visitors into an area annually. The Florida Endowment Fund is to be commended for the acquisition and promotion of this collection and its advancement of African-American art appreciation.●

REV. WALTER BRUNKAN

● Mr. GRASSLEY. I wish to note the achievements of an incredible man—Rev. Walter Brunkan. For many residents of the Waterloo, IA, area it is difficult to think of Columbus High School or Cedar Valley Catholic education without envisioning the Reverend Walter Brunkan.

Unfortunately for Black Hawk County, Father Brunkan, Columbus principal and executive coordinator for the Catholic community of eight metro area parishes, six grade schools and the high school, has been reassigned to a small parish in northeast Iowa.

Father Brunkan, who could be found mowing the yard or fixing something in the boiler room at Columbus, as well as being a school administrator and adviser to students, will be missed.

He was named principal of Columbus in 1968. Benefiting from the unassuming, cheerful manner that is his trademark, as well as an insightful intellect, he has been able to steer Columbus on a steady course in good times and bad. Columbus was not only known for academic achievement, but also excelled in sports while he was principal.

Former students have called Father Brunkan a perfect role model. And they showed their appreciation in many ways. His students twice led fundraising efforts to buy their principal and friend a new car. They also helped raise funds to send him to Rome and the Holy Land.

In his 32 years, Father Brunkan was almost as much a part of the secular community as he was a leader in Catholic education. He was named by the Waterloo Chamber of Commerce as Citizen of the Year in 1989. In 1985, he was awarded the Book of Golden Deeds by the Exchange Club of Waterloo. The Sertoma Service Club honored him with the Service to Mankind Award in 1983. He won the Amvets Post 19 Signal Award in 1977. And the list goes on and on.

The community, especially its younger people, are going to miss Father Brunkan. But as Father Brunkan said in a 1987 interview, "God has a way of seeing that you get where you belong."

Mr. President, I salute the Reverend Walter Brunkan and wish him all the luck in the future.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored

by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Nicholas Altree, a member of the staff of Senator WARNER, to participate in a program in Taiwan, sponsored by the Tamkang University, from April 27 to May 5, 1991.

The committee has determined that participation by Mr. Altree in the program in Taiwan, at the expense of the Tamkang University, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Jared Kotler, a member of the staff of Senator BIDEN, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, from April 26–27, 1991.

The committee has determined that participation by Mr. Kotler in the program in Mexico, at the expense of the Mexican Business Coordinating Council, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Tim Todreas, a member of the staff of Senator KERRY, to participate in a program in Mexico sponsored by the Mexican Business Coordinating Council, from April 26 to April 27, 1991.

The committee has determined that participation by Mr. Todreas in the program in Mexico, at the expense of the Mexican Business Coordinating Council, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Ms. Sally Yozell, a member of the staff of Senator KERRY, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, from April 26 to April 27, 1991.

The committee has determined that participation by Ms. Yozell in the program in Mexico, at the expense of the Mexican Business Coordinating Council, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Mr. Adam Anthony, a member of the staff of Senator ROBB, to participate in a program in Mexico, sponsored by the Mexican Business Coordinating Council, from April 28 to May 1, 1991.

The committee has determined that participation by Mr. Anthony in the program in Mexico, at the expense of the Mexican Business Coordinating Council, is in the interest of the Senate and the United States.●

BILL OF RIGHTS COMPETITION

● Mr. SANFORD. Mr. President, the National Bicentennial Competition on the Constitution and the Bill of Rights

provides a forum from which the youth of America might explore the framework of our great country. It is a nationwide program, free of prejudice or partisanship, designed to enhance the knowledge and interest of those will one day step forward to accept the privilege and responsibility of leadership.

"We the People * * *" bicentennial programs are available to all young people through elementary and secondary schools, both public and private. These programs have received overwhelming business and community support, and are rightfully funded by an act of Congress. The programs provide students with a course of instruction on the development of our Constitution and the basic principals of constitutional democracy. In both the instructional and competitive segments of the program, students work together cooperatively to deepen their understanding of the American constitutional system.

It is my distinct pleasure to honor Cape Fear High School as the North Carolina State winner of the "We the People * * *" National Bicentennial Competition on the Constitution and the Bill of Rights.

The members of the North Carolina team are: Troy Cain, Demisha Cogdell, Edwin Evans, Marianne Fink, Wendy Fulcher, Paulette Locke, Regina Maxwell, Chinita Monroe, Miriam Levy, Kimberly Owens, Christian Pace, Shannon Reich, Michael Thrash, Lauri Weeks, and Frederick Wright.

I commend the members of this team, along with their teacher, Christiana Damron, State coordinator Don Bohlen, and district coordinator Jackie Sherrod. These young scholars have exhibited exceptional knowledge of constitutional principles, along with the ability to apply these principles to historical and contemporary issues. I am proud to have them represent North Carolina in the national finals of the competition.

Programs such as the "We the People * * *" bicentennial competition, which has involved over 4,500,000 students in the study of American history and constitutional democracy, are of paramount importance to the education of our youth. The spirit of academic growth and civic responsibility inherent in such a program provides an excellent environment in which to foster productive, lifelong habits.

I again commend all those involved with this fine program, and especially the young scholars from Cape Fear High School who have represented the State of North Carolina in such a fine manner.●

HONORING RACINE SMALL BUSINESS DEVELOPMENT CENTER AND LEWISAN PRODUCTS

● Mr. KASTEN. Mr. President, the small businesses of Wisconsin are the powerhouse of our State's economic growth. Over 62 percent of the new jobs created are directly attributable to these small businesses—ventures on the cutting edge of society, creating the products and services the American people desire.

I recently had the privilege of touring a number of successful small businesses in Wisconsin that have been assisted by small business development centers [SBDC's]. These SBDC's are excellent incubators of small business growth—and I would like to draw my colleagues' attention to the achievement of one of these centers today.

On April 4, I visited Lewisan Products of Racine, WI—a family-run, do-it-yourself plumbing business. With only 13 employees, Lewisan has established a tradition of excellence in supplying quality plumbing products to the Racine community.

Lewisan has been a sole supplier of Craftsman plumbing cleaning tools to Sears and Roebuck for 45 years.

Lewisan is a thriving company, and most of the credit goes to Diane and Paul Kaye. But the Lewisan success story would not have been possible without the assistance and counsel of SBDC director Patricia Deutsch. At a time when some are proposing drastic cuts in the Federal budget for SBDC's, it is important to note successes like that experienced by Lewisan Products.

Let's keep this system of small business incubators alive—by supporting full funding for SBDC's.●

TRIBUTE TO ABRAHAM A. LOW, M.D.

● Mr. SANFORD. Mr. President, I rise today in honor of the late Abraham A. Low, M.D., a pioneer in the treatment of individuals suffering from mental and nervous disorders and in the self-help movement. Dr. Low distinguished himself in his efforts to emancipate the patient from the stigma associated with mental health disorders. Dr. Low's Recovery, Inc., program has been active for 3 years in my home area of Raleigh/Durham, NC. I pay tribute to this gentleman who enabled countless numbers to apply self-help techniques as part of their recovery process.●

HONORING SCHNEIDER COMMUNICATIONS

● Mr. KASTEN. Mr. President, I rise today to honor a significant milestone in the history of Wisconsin's Schneider Communications, Inc.

Dedication to excellence has made Schneider Communications the No. 2 business-to-business long-distance

company in Wisconsin. This small business has been serving the long-distance communication needs of Wisconsin companies since 1982.

Schneider Communications has now reached the milestone of providing its customers more than 1 million minutes of long-distance service every day. This company is helping Wisconsin's business sector stay in touch with a fiercely competitive national and global marketplace—and they deserve our praise for the great work they do.●

ORDERS FOR TOMORROW

Mr. METZENBAUM. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m., Tuesday, May 7; that following the prayer, the Journal of Proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that on Tuesday the Senate stand in recess from 12:30 to 2:15 p.m. in order to accommodate the respective party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. METZENBAUM. Mr. President, for the information of the Senate, on tomorrow beginning at 9:30 a.m. there will be 3 hours of debate on Senate Resolution 117, regarding agriculture export credit guarantees, with an hour each under the control of Senator DOLE, Senator DECONCINI, and Senator BRADLEY. A vote on or in relation to the resolution will occur at 2:15 p.m., Tuesday, to be followed immediately by a vote on the motion to involve cloture on the motion to proceed to S. 429, the retail price maintenance bill.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE ASTRONAUTS MEMORIAL AT THE JOHN F. KENNEDY SPACE CENTER

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 214, to designate the Astronauts Memorial at the John F. Kennedy Space Center just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 214) recognizing the Astronauts Memorial at the John F.

Kennedy Space Center as the national memorial to astronauts who die in the line of duty.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GARN. Mr. President, I recently introduced legislation to recognize the Astronauts Memorial at John F. Kennedy Space Center as the national memorial to astronauts who die in the line of duty. Similar legislation introduced by Congressman BACCHUS has been passed by the House. The dedication of the memorial is this Thursday, May 9. For this reason, I hope the Senate will expeditiously consider and give its approval to the legislation.

The Astronauts Memorial will recognize the 15 astronauts who have died in the line of duty. Seven of those astronauts are those individuals who died in the explosion of the space shuttle *Challenger* in January 1986, of which we are all familiar. Four of the fourteen are individuals who died in accidents while flying aboard T-38 training aircraft. Three of the astronauts died when a fire started on the launch pad while they were conducting a ground test aboard the *Apollo 1* spacecraft. The most recent of the 15 astronauts died in the crash of a commuter aircraft on April 5, 1991, while on official duty for NASA. All of these astronauts paid the ultimate sacrifice, giving one's life for the benefit of mankind.

The purpose of the U.S. space program is to promote the peaceful exploration of space for the benefit of all human beings. In the numerous years since the inception of the space program, more information has been gathered about the universe than in all the centuries before; we have sent unmanned spacecraft on missions extending to the far reaches of the solar system; we have measured the winds of Mars; we have counted the rings of Saturn; we have landed men on the Moon; we have sent men and women aloft to explore space beyond the Earth's atmosphere, to deploy satellites, and to conduct experiments in the purity of zero gravity and have returned them to Earth in the same reusable spacecraft. We have explored uncharted territory, and have opened new horizons for the future development of mankind.

We have been very successful in our endeavors to explore space and to observe Earth from space. Unfortunately, we have lost human lives along the way, but not our spirit of exploration. That pioneering spirit has a long tradition. It moved our ancestors to settle in a new country and later spawned the exploration and settlement of the west. We need to maintain that spirit and vision, and renew it in the aftermath of a tragedy, but we must never lose it.

Just a few weeks ago, April 12, was the 10th anniversary of the first space shuttle flight, a remarkable achievement. I feel it is fitting that while we recognize and celebrate the accomplishments of today's space program, we also remember the sacrifices made, the lives lost that brought us to where we are today. It is that sacrifice, that dedication, and that unwavering spirit to the space program that moves it forward.

The exploration of space is not safe, nor is the preparation or training to get there. Unfortunately, accidents will happen and lives will be lost. The Astronauts Memorial is a very fitting way to remember those individuals who gave the ultimate, their life, in benefiting mankind, and in furthering the U.S. Space Program.

Mr. President, I wish to thank the members of the Senate Commerce Committee and their staffs for giving this legislation their very timely and generous attention. Since the date of the memorial dedication is so close, getting the committee to clear this legislation took efficiency and quickness. That was displayed.

I thank the Senate for its prompt consideration of this measure.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 214) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECESS UNTIL 9:30 TOMORROW

Mr. METZENBAUM. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as under the previous order until 9:30 a.m., Tuesday, May 7, 1991.

There being no objection, the Senate, at 4:57 p.m., recessed until Tuesday, May 7, 1991, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1991:

DEPARTMENT OF STATE

SALLY G. COWAL, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TRINIDAD AND TOBAGO.

JOHN THOMAS MCCARTHY, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

NICHOLAS PLATT, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE,

CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

GORDON S. BROWN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

CORPORATION FOR PUBLIC BROADCASTING

CAROLYN R. BACON, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING MARCH 26, 1996. VICE ARCHIE C. PURVIS, TERM EXPIRED.

EXECUTIVE OFFICE OF THE PRESIDENT

CHRISTOPHER D. COURSEN, OF MARYLAND, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 1993. VICE JOSE A. COSTA, JR., TERM EXPIRED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

VELMA MONTROYA, OF CALIFORNIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 1997. (RE-APPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218 AND 8373, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. EARL A. ALER, JR., **xxx-xx-xx**, AIR FORCE RESERVE.
BRIG. GEN. JOHN H. BURRIS, **xxx-xx-xxxx**, AIR FORCE RESERVE.
BRIG. GEN. RODNEY L. LINKOUS, **xxx-xx-xxxx**, AIR FORCE RESERVE.
BRIG. GEN. ROBERT A. MCINTOSH, **xxx-xx-xx**, AIR FORCE RESERVE.
BRIG. GEN. CLARK O. OLANDER, **xxx-xx-xxxx**, AIR FORCE RESERVE.
BRIG. GEN. JOHN P. VAN BLOIS, **xxx-xx-xx**, AIR FORCE RESERVE.

To be brigadier general

COL. WAYNE W. BARKMEIER, **xxx-xx-xxxx**, AIR FORCE RESERVE.
COL. MARCIA F. CLARK, **xxx-xx-xx**, AIR FORCE RESERVE.
COL. JOHN J. COSTANZI, **xxx-xx-xx**, AIR FORCE RESERVE.
COL. LOUIS A. CRIGLER, **xxx-xx-xx**, AIR FORCE RESERVE.
COL. TERRENCE L. DAKE, **xxx-xx-xx**, AIR FORCE RESERVE.
COL. ANDREW P. GROSE, **xxx-xx-xx**, AIR FORCE RESERVE.
COL. JAMES W. LUCAS, **xxx-xx-x**, AIR FORCE RESERVE.
COL. CHARLES R. LUTHER, **xxx-xx-xxxx**, AIR FORCE RESERVE.
COL. MICHAEL W. MCCARTHY, **xxx-xx-xx**, AIR FORCE RESERVE.
COL. JOHN M. MILLER, **xxx-xx-x**, AIR FORCE RESERVE.
COL. SAMUEL P. MITCHELL, JR., **xxx-xx-xxxx**, AIR FORCE RESERVE.
COL. MICHAEL J. PETERS, **xxx-xx-**, AIR FORCE RESERVE.
COL. ROBERT E. PFISTER, **xxx-xx-**, AIR FORCE RESERVE.
COL. TERRY G. WHITNELL, **xxx-xx-**, AIR FORCE RESERVE.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. RICHARD G. GRAVES, **xxx-xx-y**, U.S. ARMY.
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. HORACE G. TAYLOR, **xxx-xx-x**, U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE,

To be Vice Admiral

VICE ADM. JIMMY PAPPAS, U.S. NAVY, **xxx-xx-x**.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 4333(B):

COL. CHARLES F. BROWER, IV, **xxx-xx-x**.

EXTENSIONS OF REMARKS

A NEW WASHINGTON MONUMENT:
COACH WES UNSELD OF THE
WASHINGTON BULLETS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. MAZZOLI. Mr. Speaker, everyone knows this city has a Washington Monument made of stone and marble which dominates the area's skyline. But, there is another Washington monument not made of stone or marble but which also dominates the area's skyline—its sports skyline.

This new Washington monument is Louisville's own Wes Unsel, the head coach of the National Basketball Association's Washington Bullets.

Wes was born and reared in my hometown—Louisville, Jefferson County, KY—and was a star basketball player at Seneca High School. He then went to the University of Louisville where he played three all-America seasons. In fact, his old uniform number at the University of Louisville, No. 31, has been retired because of the near-peerless performances West gave as a Cardinal basketballer.

Professionally, West began his career with the old Baltimore Bullets. The franchise move to Washington in 1973. In 1969, Wes became only the second player to be named NBA Rookie of the Year and Most Valuable Player in the same season. Ten years later, he was named the Most Valuable Player in the 1978 NBA championship series won by the Bullets.

Wes was a ferocious and tenacious rebounder who could throw a length-of-the-court outlet pass with a flick of his wrists and do it with pinpoint accuracy. He was tough under the basket and more than held his own against taller players by the subtle—and sometimes not-so-subtle—use of his strength, power, and quickness.

For the past two seasons, Wes has been the head basketball coach of the Washington Bullets. Wes is held in high esteem as a person, a motivator, and as a court-side tactician. While the team is still trying to regain its earlier, loftier rankings in the league under Wes, the Bullets have progressed toward their goal of another NBA championship season.

Wes comes from a large, loving, and accomplished family in which his parents, Mr. and Mrs. Charles Unsel, asked much of each of their seven children and each responded by achieving in the classroom and in sports competition.

Mr. Speaker, all Louisvillians and all Jefferson Countians are proud of the accomplishments of "our" West Unsel. Wes represents the best of our community as a great coach, a loving husband and father, and a great professional.

I commend to the attention of our colleagues the following article from the April 18

Washington Post which profiles Coach Wes Unsel:

UNSELD "WILL WEAR YOU DOWN—AND CATCH YOU"

(By Ken Denlinger)

The scene that best illustrates Wes Unsel occurred about a year after his retirement as a player in 1981. In the no-frills gym at Bowie State University where the Washington Bullets practice, impish newcomer Frank Johnson playfully bounced a ball off Unsel's head and started a can't catch-me dance several yards away. Unsel in a suit and tie was even less mobile than he'd been during 13 NBA seasons, as perhaps the only modern-era player to make the basketball Hall of Fame without ever rising more than an inch or so off a basketball floor.

Still, Unsel's reaction was enough to make Johnson nervous.

"The difference between you and me," Unsel said, "is that I have perseverance. You're faster, but I'll have them lock the gym. Eventually, I will wear you down—and catch you."

That was Unsel's style as a player. As he frequently said: "I wanted to make sure that when it came down to the latter stages of the fourth quarter my man was so physically tired he couldn't do what he wanted to do."

That is Unsel's style as the Bullet's once reluctant coach, who, nearing the end of his third full season, clearly enjoys the job. And even though his career record is 36 games below .500, his work has been almost universally praised. The consensus judgment: When Wes gets players, he'll win.

"His guys come out to play every night," said 76ers Coach Jimmy Lynam. "I don't know what more you can ask of a coach than to have his team ready to play and to have them play hard."

"He has an incredible ability to go to war with less than the opposition," said Bullets General Manager John Nash, "and somehow make it work."

There was some support for Unsel to be an assistant to Detroit's Chuck Daly as coach for the U.S. team in the 1992 Olympics, a spot that went to Cleveland's Lenny Wilkens.

Unsel "is young enough [at 45] to be around and be the Olympic head coach someday," said New Jersey Coach Bill Fitch.

The night before being eliminated from playoff contention this month included a first for Unsel: being thrown out of a game, in his 292nd as a coach. Some who have watched Unsel for a long time were surprised it took that long, because Unsel the player fussed about almost all of his 3,133 regular season and playoff fouls.

No one understands the importance of dominant players and how to get them better than Unsel and the Bullets. As their top choice—and the second player chosen—in the 1968 draft, rookie Unsel helped the Bullets go from 10 games below .500 to 32 games above .500.

Deep down, he knows that the draft lottery, weighted as it is toward teams with even worse records than Washington's, is the way to get a franchise-turning player. Still, he insists:

"Once you accept that attitude, I don't think it's easy to recuperate. There's not

any leeway. You can't say: 'Okay, we'll accept losing and try to win' [through the lottery]. I think it's too easy to lose."

Ever candid, Unsel evaluated some players in whom the Bullets have invested heavily and around whom the future may—or may not—be built:

Pervis Ellison. "We gave up a lot [Jeff Malone], but it might be the best trade since Elvin Hayes. . . . A great attitude. Wants to learn. I was surprised at how much he didn't know. That really shocked me. He's going to be good because he wants to be good. He's going to be a player."

Tom Hammonds. "I don't know. I say that only in the sense that I don't know if Tommy likes to play enough. You've got to like to compete, mix it up. I don't know if he likes the game well enough. I think he'd rather be hunting and fishing. A lot depends on how much time he's willing to put in during the summer. As yet, he hasn't done that. Last year, he went back to school. Which is very admirable. Now, he's got to go to NBA school, I think. Get that degree. Next season will be his third. If you don't know at the end of three years, it's time to cut your losses and go on someplace else."

John Williams. "A very talented, very nice individual. Maybe too nice, too giving. I thought he had a versatility that not a lot of people have. I wonder sometimes what his mobility is going to be like" after his knee injury and weight gain. "Last year, before he got hurt, he was in great shape and, for the first time, understood that if he was going to be a great player he had to show it. Then he got hurt."

THE DIRECT APPROACH

Unsel the player always hated coaches who created scapegoats in the locker room, who chose to avoid confrontations with star players, who spoke to the team rather than the specific offender.

"He doesn't pick on the 12th man," said guard Darrell Walker. "He starts with me and Bernard [King] and works his way down. A lot of coaches would yell at A.J. English—and he's not playing. I respect that a whole lot. He makes his point, makes it quick and then it's over with."

Mostly.

Not long after he replaced Kevin Loughery as Bullets coach early in the 1987-88 season, Unsel and Manute Bol nearly fought at half-time in Chicago. Before the game Unsel had reminded the 7-foot-6 Bol about bringing the ball down where mortal-sized players could swipe it away; twice Bol did exactly that—and the ball was stolen by Michael Jordan each time. Unsel benched him after the second offense.

At halftime, "I usually stay out of the locker room two or three minutes, so the players can say whatever among themselves," Unsel said. "I go in and Manute's still ranting and raving. I tell him to calm down. I have a rule: Do it right or shut me up, I've been hit before. Manute stood up to shut me up."

Witnesses say that while Bol was talking fight, Unsel was the one moving toward one, swatting aside a table that separated one extraordinarily tall man from one extraordinarily wide man. Unsel had Bol by

* This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the jersey when some players separated them.

"Manute swears I traded him because of that," Unseld said.

Did he?

Unseld checked and said: "No. Manute was a model citizen after that. He played the best basketball he played for us all year."

NO SURPRISES, PLEASE

On the morning between games on consecutive nights, Unseld was doing a series of back-to-back-to-back clinics.

He was a more than willing participant because he knew, from six years in the front office, how difficult selling a mediocre team can be. On display was the gentle/gruff Unseld his players see.

No one was excluded. The coach almost went into the stands to coax onto the court a woman in a pink warm-up outfit. When he said "down" the second time, everybody plopped. When he demonstrated chest passes by whipping some three-quarters of the court, savvy fans realized his exceptional strength.

Fortunately, he set no picks. Only his players know how unsettling that can be.

"Greg Foster didn't set one correctly once in training camp," Hammonds recalled. "Wes got a little fed up. He said there were two things he did as a player: set picks and rebound. He demonstrated—on me. A crushing pick. Seemed like every bone in my body crumbled. I didn't hit the floor, but came close. Had to go down on my knees."

Not always obvious, even to players, is Unseld's penchant for order and detail. He favors a particular brand of pen and a particular kind of note pad. He has two calendars, one of which he carries around in a suitcoat pocket. His signature pointing-at-the-stands gesture after home games is toward his wife, Connie. It's a thank-you for enduring his pregame habits.

What he did on the court might not seem complicated, but he concentrated—hard and long—on how to make it work. At 1 o'clock, he would prop up his legs and listen to classical music. Mellow Mozart got him ready to bang with Willis Reed. At 4, it was time to warm his perpetually aching knees with a long bath.

Unseld's game-day routine as a coach is different. He rises early and watches a first-half tape of that night's opponent. Later, he watches more tape for "tendencies, what might help us break down a particular individual." He tries to eat before 1 and rest between 1:30 and 3. With his knees no longer a factor, he takes a 4 p.m. shower.

For Capital Centre games, Unseld always drives the same route from home in his Chevy Blazer, although the music in the tape deck is now what he calls "street-corner stuff." Mint Julep instead of Mozart. Also, he must hear the 5 o'clock news.

"I don't like surprises," he said.

Neither does Unseld like for his players to be surprised. They are given notes on each of the several players they might be matched against the night; they are quizzed shortly before tipoff.

"That's why when you get up and holler at a guy for letting his man go by him who can only score if he goes right, there's some justification," Unseld said. "If he hasn't been told, you have no reason to be upset. If a guy beats you going left, that's different. Sometimes, that's going to happen."

All too often this season, what has happened is some vital Bullet getting hurt. Bernard King here, Harvey Grant there. Sometimes, both guards. Even at full strength, the Bullets often are undermanned.

BEST-LAID PLANS . . .

"You go into a game," said Unseld, watching a tape, "and you can't find a way to win. That's frustrating. That's no fun. I can accept losing. I've had to. But to go into a game and not have a way of winning is really frustrating as hell.

"We've gone through periods like that. We couldn't score. You take [King's] 30 points out of our lineup, you take [Grant's] 19 points out of our lineup, we're in the 70s. That's what we score; 70, 80 points a game. We still held teams under what they usually get. We still did the other aspects. But we couldn't score."

Frequently this season, Unseld has had this succinct scouting report: "They're so physical, we're so skinny."

Still, Unseld wants to persevere. His contract runs out in June; he and owner Abe Pollin have put off talks until after the season. Given their uniquely close relationship, the big-picture issue seemed resolved after this exchange between a reporter and Unseld:

"Do you want to be back with the Bullets?"

"Yeah."

Unseld added: "I like it. The whole thing is enjoyable. I'm working with a pretty good group of kids. I mean men. They give you their best."

Said Walker, 30: "I would like, two years from now, to still be here. Maybe as the third or fourth guard, sit back and see the young guys develop. We would never leave till we're back winning."

Said Unseld, "I'd like to get it right one time."

WES UNSELD AND THE BULLETS AS A PLAYER

Season	Games	Field goals percentage	Rebounds	Average points
1968-69	82	0.476	18.2	13.8
1969-70	82	.518	16.7	16.2
1970-71	74	.501	17.0	14.1
1971-72	76	.498	17.6	13.0
1972-73	79	.493	15.9	12.5
1973-74	56	.438	9.2	5.9
1974-75	73	.502	14.8	9.2
1975-76	78	.561	13.3	9.6
1976-77	82	.490	10.7	7.8
1977-78	80	.523	11.9	7.6
1978-79	77	.577	10.8	10.9
1979-80	82	.513	13.3	9.7
1980-81	63	.524	10.7	8.0
Totals	984	.509	14.0	10.8

AS THE COACH

Season	Record	Percentage	Average points	Opponents points
1987-88 ¹	30-25	0.545	105.5	106.3
1988-89	40-42	.488	108.3	110.4
1989-90	31-51	.378	107.7	109.9
1990-91 ²	30-49	.380	101.5	106.5
Totals	131-167	.434	105.8	108.3

¹ Replaced Kevin Loughery as head coach, Jan. 3, 1988.

² Through Tuesday's game.

TRIBUTE TO LOIS GRABOYS

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. REED. Mr. Speaker, I today wish to recognize Lois Graboys, the executive director and founder of the Volunteers Services for

Animals [VSA] in Providence, RI. Ms. Graboys is retiring from her position at VSA, but not before implementing many programs that significantly improved the treatment of animals, and raised awareness of animal rights in Rhode Island.

The programs she organized through the VSA encompassed all aspects of animal rights. She has organized programs that directly benefited animals, such as reuniting lost animals with their owners, finding homes for strays, and fighting against cases of cruelty and animal abuse.

Lois Graboys recognized that before any significant advances could be made to curb animal abuse in Rhode Island, the public had to be made aware of problems that animals face. As a result, she organized programs for the concerned public, involving training and counseling for animal control officers, adoption education seminars, and community health care programs.

Lois Graboys has spent the past 12 years in her position at the Volunteer Services for Animals, unselfishly improving the lives of countless animals, and educating the public to do the same. She has laid a solid and creative foundation that will continue to flourish in the future. It is with great pleasure and gratitude that I salute Lois Graboys on her accomplishments and wish her continued success in her new artistic endeavors.

ADDRESS BY HIS HOLINESS THE DALAI LAMA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. LANTOS. Mr. Speaker, as you know, His Holiness, the Dalai Lama, addressed Members of Congress and the public in a rare appearance at the U.S. Capitol rotunda on April 18, 1991. A number of our colleagues in both the House and Senate were in attendance, and I was delighted to be among them.

The Dalai Lama, the revered spiritual and temporal leader of the Tibetan people and an honored Buddhist religious leader who received the Nobel Peace Prize in 1989, prepared remarks for delivery on this occasion. But rather than using his prepared text, he spoke from the heart.

Mr. Speaker, His Holiness' prepared statement is an excellent presentation of his concern for human rights and the welfare of the Tibetan people and of all mankind. I ask that these remarks be placed in the RECORD. They reflect the indomitable spirit and soul of this great man.

ADDRESS BY HIS HOLINESS THE DALAI LAMA OF TIBET TO MEMBERS OF THE U.S. CONGRESS AT THE U.S. CAPITOL ROTUNDA; APRIL 18, 1991

Mr. Speaker, Senator Mitchell, Representative Gephardt, Senator Dole and Representative Michel, Senators, Congressmen and other distinguished guests, and Brothers and Sisters:

When I was a small boy living in Tibet, President Roosevelt sent me a gift: a gold watch showing phases of the moon and the days of the week. I marvelled at the distant

land which could make such a practical object so beautiful. But what truly inspired me were your ideals of freedom and democracy. I felt that your principles were identical to my own, the Buddhist beliefs in fundamental human rights—freedom, equality, tolerance and compassion for all.

Today, I am honored to stand under this great dome and speak to you. I do so as a simple Buddhist monk: someone who tries to follow the Buddha's teaching of love and compassion, who believes, as you do, that all of us have the right to pursue happiness and avoid suffering. I always pray that the good core of our human character—which cherishes truth, peace and freedom—will prevail.

Our generation has arrived at the threshold of a new era in human history; the birth of a global community. Modern communications, trade and international relations as well as the security and environment dilemmas we all face make us increasingly interdependent. No one can live in isolation. Thus, whether we like it or not, our vast and diverse human family must finally learn to live together. Individually and collectively we must assume a greater sense of universal responsibility.

I also stand here as a free spokesperson for the people of Tibet.

While your soldiers were fighting Communist Chinese troops in Korea, China invaded Tibet. Almost nine years later, in March 1959—during the suppression of a nation-wide revolt against Chinese occupation—I was forced to flee to India. Eventually, many thousands of my compatriots followed me. Since then, Tibetan refugees have lived in exile. We were heartened in 1959, 1961 and 1965 by three United Nations Resolutions recognizing the Tibetan people's fundamental rights, including the right to self-determination. Your government supported and voted for these resolutions.

China, however, ignored the views of the world community. For almost three decades, Tibet was sealed from the outside world. In that time, as a result of China's efforts to remake our society, 1.2 million Tibetans—one fifth of the population—perished. More than 6,000 of our monasteries and temples were destroyed. Our natural resources were devoured. And in a few short decades the artistic, literary and scientific legacy of our ancient civilization was virtually erased.

In the face of this tragedy, we have tried to save our national identity. We have fought for our country's freedom peacefully. We have refused to adopt terrorism. We have adhered to our Buddhist faith in non-violence. And we have engaged in a vigorous democratic experiment in the exile community as a model for a future free Tibet.

Tibet today continues to suffer harsh oppression. The unending cycle of imprisonment, torture, and executions continues unabated. I am particularly concerned about China's long term policy of population transfer onto the Tibetan plateau.

Tibet is being colonized by waves of Chinese immigrants. We are becoming a minority in our own country. The new Chinese settlers have created an alternate society: a Chinese apartheid which, denying Tibetans equal social and economic status in our own land, threatens to finally overwhelm and absorb us. The immediate result has been a round of unrest and reprisal. In the face of this critical situation, I have made two proposals in recent years.

In September of 1987, here on Capitol Hill, I presented a Five Point Peace Plan. In it, I called for negotiations between Tibet and China, and spoke of my firm resolve that

soon Tibet will once again become a Zone of Peace; a neutral, demilitarized sanctuary where humanity and nature live in harmony. In June of 1988, at the European Parliament in Strasbourg, I elaborated on my call for negotiations, and made personal suggestions which would protect the territorial integrity of the whole of Tibet, as well as restore the Tibetan people's right to govern themselves. I also suggested that China could retain overall responsibility for the conduct of Tibet's foreign relations.

It has been almost three years since the Strasbourg Proposal. In that time, many Tibetans have expressed profound misgivings over my stand for being too conciliatory. Beijing did respond; but the response was negative. The Chinese government, it is clear, is unwilling to engage in meaningful dialogue. As recent events in China itself indicate, the Communist leadership refuses even to acknowledge the wishes of its own people. I regret that my sincere efforts to find a mutually beneficial solution have not produced meaningful dialogue. Nevertheless, I continue to believe in a negotiated solution. Many governments and parliaments, as well as the U.S. Congress, support this effort.

For the sake of the people of China as well as Tibet, a stronger stand is needed towards the government of the People's Republic of China. The policy of "constructive engagement;" as a means to encourage moderation, can have no concrete effect unless the democracies of the world clearly stand by their principles. Linking bilateral relations to human rights and democracy is not merely a matter of appeasing one's own conscience. It is a proven, peaceful and effective means to encourage genuine change. If the world truly hopes to see a reduction of tyranny in China, it must not appease China's leaders.

Linking bilateral relations to respect for basic rights will significantly decrease the present regime's readiness to resort to further violence, while increasing the strength of the moderate forces which still hope for a peaceful transition to a more open society. These efforts should be viewed not as an attempt to isolate China but as a helping hand to bring her into the mainstream of the world community.

In the future, I envision Tibet as an anchor of peace and stability at the heart of Asia: A Zone of non-violence where humanity and nature live in harmony. For hundreds of years the Tibetan plateau was a vital buffer between Asia's great powers: Russia, China and India. Until Tibet is once more demilitarized and restored to its historical neutrality, there can be no firm foundation for peace in Asia. The first step is to recognize the truth of my country's status; that of a nation under foreign occupation.

Recently, the United States has led the international community in freeing a small country from a cruel occupation. I am happy for the people of Kuwait. Sadly, all small nations cannot expect similar support for their rights and freedoms. However, I believe that a "new world order" cannot truly emerge unless it is matched by a "new world freedom." Order without freedom is repression. Freedom without order is anarchy. We need both a new world order that prohibits aggression and a new world freedom that supports the liberty individuals and nations.

I would like to conclude by recalling a recent and moving experience. On my last trip to the United States, I was taken to Independence Hall in Philadelphia. I was profoundly inspired to stand in the chamber from which your Declaration of Independence and Constitution came. I was then

shown to the main floor before the Liberty Bell. My guide explained that two hundred years ago this bell pealed forth to proclaim liberty throughout the land. On examining it, however, I couldn't help noticing the crack in the bell. That crack, I feel, is a reminder to the American people who enjoy so much freedom, while people in other parts of the world, such as Tibet, have no freedom. The Liberty Bell is a reminder that you cannot be truly free until people everywhere are free. I believe that this reminder is alive, and that your great strength continues to come from your deep principles.

Finally, my main task here today is to thank you—the Congress of the United States—on behalf of six million Tibetans for your invaluable support in a critical time of our struggle. The Congressional bills and resolutions you have passed over the last five years have given Tibetan people renewed hope.

I offer you my prayers and thanks, and I appeal to you to continue working for the cause of liberty.

TRIBUTE TO DR. MORRIS J.
HELDMAN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Dr. Morris J. Heldman, founding president of West Los Angeles College [WLAC], in Culver City.

Dr. Heldman's devotion to the Los Angeles Community College District has been demonstrated through 38 years of service, in teaching, academic administration and now as a member of the board of directors for WLAC.

A research chemist, Dr. Heldman began his career in academia in 1953 as a chemistry instructor at East Los Angeles College. From teaching, he moved into an administrative capacity as assistant dean and later, as dean. In 1968, Dr. Heldman was named founding president of the newly established West Los Angeles College in my congressional district.

During his tenure as president, the permanent West Los Angeles campus was funded, and almost all of the buildings were funded, designed and contracted for construction. One of Dr. Heldman's last projects was the Learning Resources Center, the college's library.

In honor of Dr. Heldman's outstanding contributions in the field of science and administration, on May 15 the Learning Resources Center will be dedicated and renamed the Heldman Learning Resources Center.

Mr. Speaker, I ask my colleagues in the House to join me in saluting Dr. Heldman on the occasion of the dedication of the Heldman Learning Resources Center in his honor, and thank him for his steadfast years of service to the Los Angeles Community College District.

THE UNFINISHED REVOLUTION

HON. DAVE McCURDY

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. McCURDY. Mr. Speaker, "The Unfinished Revolution" was the theme of the National Endowment for Democracy's third international conference on the state of democracy around the world. Held on April 15-16 in the wake of the revolutionary democratic events of the past 2 years, the conference brought together leading democratic activists from Latin America, Africa, Asia, and the Soviet Union to address the challenges and concerns facing those working to further the cause of democracy.

At the concluding dinner, the endowment presented its 1991 democracy awards to President Violeta B. de Chamorro of Nicaragua and President Vaclav Havel of the Czech and Slovak Republic. These awards are a recognition of the heroic efforts of Presidents Chamorro and Havel to bring democracy to their countries.

Therefore, I insert President Chamorro's speech at the awards ceremony in the RECORD:

REMARKS BY HER EXCELLENCY VIOLETA B. DE CHAMORRO

Member of the Board of Directors of the National Endowment for Democracy, Mr. Carl Gershman, President of the National Endowment for Democracy, Participating Members in the World Conference on Democracy, Special Invitees, Ladies and Gentlemen, Friends: It has been several years since I visited the NED for the first time, when I was a newspaper editor. At the time, the paper I was working for had just recently reopened after being closed for over a year. The former government in Nicaragua, who was not very concerned with the rights of the people, censored the paper and caused it to close down.

This newspaper was stripped of its materials and equipment—left without paper or the means to advertise and most of the staff were exiled.

On my trip to the NED, I was accompanied by representatives of the Nicaraguan unions, private enterprises and owners of small radio stations—all the groups who the Sandinista regime was trying to suffocate in their attempt to eradicate the last traces of a civil society.

I later returned as a presidential candidate for a coalition of democratic political parties who opposed this totalitarian government.

There were very few people who believed that this coalition and this candidacy would be successful.

On both trips, the NED opened its doors to me, offered assistance and above all, giving me friendship.

Now I return as President of my country.

And today, I am greeted with the same open doors, and friendship—and also the great honor of receiving the Democracy Award that is presented by the NED to representatives of different countries of the world for their contribution towards Democracy.

The 1991 Democracy Award is an honor, as much because of the prestige of the institution that is giving it to me, as for the cause that it represents. For me the latter is the most noble—so noble that my biggest desire

since my husband died for this flag and bequeathed it to me, is to fight for democracy. The prestige becomes more prestigious and the honor becomes even more honorable because I share this award with Vaclav Havel, the President of Czechoslovakia.

Democracy is what unites a city in Europe and a city in Central America—despite historic differences.

In my homeland, the advent of Democracy did not occur through violence or force—it took place solely through free elections.

For the first time in the history of the 20th century, the result of a vote ended a totalitarian dictatorship and the two civil war opponents agreed on peace—not because of the victory of one group, but because of the conviction of both.

Democracy was born in Nicaragua patriotically—it was born democratically.

The characteristics of its birth are those which confirm my belief in democracy and encourage me to spread its ideals to others, with patience. For me, patience is the key for promoting peace—I don't believe in using force for any reason, and while I try to maintain due respect for other's viewpoints, I am always trying to convince them of mine.

I have even been attacked by both the national and foreign press, because I don't personify the image that the world has of a typical Latin government leader who pounds the table with their fist. I govern as a woman and as a woman, I don't believe that violence or force can win anyone over.

Those who govern a country have to be the first democrats, so that democracy can exist. Government leaders and the way that they govern, provide the best examples of democracy for the people.

In Nicaragua, dialogue is what turned our economy around. We did this by having conferences that cost us both time and patience, but through planting the seeds of dialogue, we have harvested both peace and understanding.

Another basic requirement, especially in Latin American countries, is that the development of democracy diverges from militaristic ideals. For this reason, from the first day I was elected as President of Nicaragua, I have not stopped fighting for disarming, both morally and physically—not just in Nicaragua, but in all of Central America.

I made a decision to bury tons of military arms in Nicaragua—to pull out the roots of military ideals in a country that has thwarted democracy so many times. Each gun signified at least one human life that would be stricken down. Instead of burying our children, I wanted to bury these arms forever, as a symbol of the new Republic.

This country's battle is a difficult one. But true democracy will only happen when we rid the people of the mentality that war and violence present solutions to our problems. Whatever problem arises, it can be resolved democratically. War never brings the answer—it only presents new problems.

Finally, I have to make one last demand before the democratic world:

New democracies need normal and effective solidarity. We need help from all of you so that the disastrous economic situation that we inherited from the mistakes of the previous regime, do not affect or handicap the development of our growing democracy.

Let us be victorious in all of our battles for Freedom!

Let us achieve solidarity of all free people—the most beautiful conquest for democracy in this century.

INCLUSION OF AMERICAN SAMOA IN THE PROGRAM OF AID TO THE AGED, BLIND, OR DISABLED

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. FALEOMAVAEGA. Mr. Speaker, today I am introducing legislation to amend the Social Security Act to include the territory of American Samoa in the program of "Aid to the Aged, Blind, or Disabled." This program will provide basic assistance for the 1,600 aged, blind and severely disabled individuals residing in American Samoa.

The poverty-level elderly and disabled individuals I seek to help are without benefit of family or public assistance of any kind. These individuals are not able to participate in Social Security because when Social Security went into effect in the territory they were too old to contribute long enough to qualify for minimum benefits. The territorial retirement system did not begin until 1971, and this, too, was implemented too late in their working lives for them to qualify for retirement benefits. There are no local programs that provide benefits to these people and unless the program of aid to the aged, blind or disabled can be extended to American Samoa, they will continue to exist in a condition of poverty.

Mr. Speaker, the only insular areas currently participating in the program for the aged, blind, or disabled are Puerto Rico, Guam, and the Virgin Islands. The Commonwealth of the Northern Mariana Islands is included in a similar program under the Social Security Act, the Supplemental Security Income Program. Furthermore, Puerto Rico at this time participates in the aid to families with dependent children [AFDC] and the nutrition assistance program [NAP]. Guam and the Virgin Islands have AFDC and the food stamp programs. American Samoa, however, has none of the above-mentioned Federal assistance programs.

Mr. Speaker, the 1,600 elderly and severely disabled individuals in American Samoa have no place to turn. There are no local or Federal support programs to address the income support needs of this vulnerable population, and our territorial government is facing critical financial difficulties at this time.

I believe this measure will help relieve the critical needs of these elderly, blind and severely disabled individuals who are living in American Samoa. I urge my colleagues to support this important legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF THE TERRITORY OF AMERICAN SAMOA IN THE PROGRAM OF AID TO THE AGED, BLIND OR DISABLED

(a) IN GENERAL.—The 5th sentence of section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended by striking "and Guam" each place such term appears and inserting "Guam, and American Samoa".

(b) PROGRAM PAYMENTS.—Sections 3(a)(2), 1003(a)(2), 1403(a)(2), and 1603(a)(2) of such Act (42 U.S.C. 303(a)(2), 1203(a)(2), 1353(a)(2), and 1383 note) are each amended by striking "and

Guam" and inserting "Guam, and American Samoa".

(c) LIMITATION ON PAYMENTS.—Section 1108(a) of such Act (42 U.S.C. 1308(a)) is amended—

(1) in paragraph (3), by striking the period and inserting "; and"; and

(2) by inserting after and below paragraph (3) the following:

"(4) for payment to American Samoa shall not exceed—

"(A) \$1,000,000 with respect to the fiscal year 1992, or

"(B) \$1,000,000 with respect to the fiscal year 1993."

(d) ALTERNATIVE FEDERAL PAYMENT AUTHORITY.—Section 1118 of such Act (42 U.S.C. 1318) is amended by striking "and Guam," and all that follows and inserting "Guam, and American Samoa, mean 75 percent."

(e) EFFECTIVE DATE.—The amendments made by this Act shall take effect on October 1, 1992.

TRICENTENNIAL OF THE NEW YORK STATE SUPREME COURT

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. GREEN of New York. Mr. Speaker, today I rise with my colleagues from the New York delegation to commemorate the tricentennial of the Supreme Court of New York. On May 6, 1991, the provincial legislature established the Supreme Court of New York to provide the people of New York with proper and just means for securing and recovering their rights and demands.

The Supreme Court of New York, which is the oldest sitting trial court in the United States, has rendered many precedential decisions that have affected both Federal and State laws as well as the rights of the American people. For example, in 1735 the landmark case of John Peter Zenger was instrumental in upholding freedom of the press in colonial New York. Outstanding jurists such as John Jay, Henry Brockholst Livingston, and Benjamin N. Cardozo all presided over the Supreme Court of New York and eventually served on the U.S. Supreme Court.

Today, I commemorate the tricentennial of our Nation's oldest sitting trial court and congratulate the people of New York State on this historic occasion. I have introduced a resolution to commemorate this event, and encourage my colleagues to give it every consideration.

AFT REPORT ON EDUCATION SPENDING

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. FORD of Michigan. Mr. Speaker, I would like to call the attention of my colleagues to a recently published study by the American Federation of Teachers that compares education spending of 15 economically advanced nations, including the United States.

The results of this study are disheartening because, according to virtually every standard of measurement, the U.S. ranks lower than its economic rivals. Not only did the U.S. rank 11th in public spending for elementary and secondary education, but it also ranked 9th in public spending for higher education.

I would be the last to argue that money alone will solve our education crisis. But I am equally convinced that these problems cannot be solved without greater investment. According to AFT's "International Comparison of Public Spending on Education," the U.S. ranks 12th among nations, spending 4.7 percent of its income on public and private education.

This study is extremely well conceived and methodologically sound. Its implications for education policy and education reform cannot be overestimated.

Mr. Speaker, I insert a short summary of the study into the RECORD. And I commend Al Shanker, president of the American Federation of Teachers, and Jewell Gould, AFT's research director, for their fine work.

HIGHLIGHTS

The public educational spending effort of the United States ranked in the bottom third of industrialized nations in 1987. Even public spending effort on the vast U.S. higher education enterprise fell below average. Despite the highest standard of living in the world in 1987, five other nations spent more per pupil at the elementary and secondary level, and four nations spent more per capita. The per capita and per pupil expenditure figures represent disparities in real resource utilization, and not differences in effort or resource utilization relative to national income.

In 1987, compared to 15 economically advanced economies belonging to the Organization for Economic Development and Cooperation (OECD):

The U.S. ranked 12th according to percentage of the nation's Gross Domestic Product (GDP) devoted to public spending on current educational costs at 4.7 percent of GDP, compared to the comparison-country average of 5.4 percent.

With 3.7 percent of the GDP devoted exclusively to public spending on elementary and secondary education, the U.S. ranked 11th, while the 15-country average was 4.2 percent.

At 1.0 percent of the GDP, public expenditure effort on higher education ranked only 9th among the countries studied in spite of the highest higher education enrollment rate in the world.

Despite having the highest standard of living in the world when converting currencies with Purchasing Power Parities (PPP's), the U.S. spent only \$860 per person in public monies for current education spending, which ranked the U.S. behind four other nations.

Spending \$3,398 per pupil in public funds for elementary and secondary education (currency conversions based on Purchasing Power Parities), the U.S. ranked 6th among the 15 countries.

The U.S. ranked 12th according to the ratio of per pupil expenditures to per capita GDP.

Despite mediocre public resource commitments to education, the U.S. has a relatively high need for education. The U.S. has:

The 2nd highest percentage of the population enrolled in precollegiate schooling behind France.

The highest percentage of the population enrolled in higher education programs—double the 15-country average.

The 2nd highest total fertility rate behind Australia.

The 2nd highest percentage of 4-15 year old children in the population behind Australia.

Some factors contribute to lower public spending on education. The U.S. possessed:

The 4th highest pupil-teacher ratio of 18.7 students per teacher compared to the average of 15.8 among the 15 nations studied.

The second largest average school size for elementary schools at 352 pupils per school, well above the 15-country average of 186.

The 6th largest private school population. Among nine countries with comparable teacher salary data:

Only the United Kingdom, Sweden and Japan pay less than the U.S.

Ranked by the ratio of teachers' salary to per capita GDP, the U.S. ranked second to last.

Compared to the average manufacturing worker teachers receive less pay in the U.S. than in any other country except Sweden.

With 71.1 percent of its teachers female, the U.S. easily ranked as the most feminized teaching force among the 15 economically advanced nations, which averaged 58.9 percent female.

DADE COUNTY SCHOOL KIDZ WELCOME THE TROOPS HOME

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, Michelle Sanchez and the Dade County School Kidz have sung much deserved praises to our homeward bound troops. Under the direction of Cathy Ellis, this chorus of south Florida school children perform an original composition of Ms. Ellis, "We, the Children of America." Michelle Sanchez, the soloist, and the Dade County School Kidz have received an enthusiastic reception wherever they perform their exclusive welcome home to the brave men and women of America's Armed Forces.

The chorus has sung at many area churches, for Operation Home Front, the Dade County School Board, and the South Florida-wide, "We Are One, Say No to Drugs Rally." They have also produced a professional-quality video of their performance which has aired on local television stations. The music and lyrics of "We, the Children of America" are by Ms. Ellis. She is an important part of the Ellis Family Music Co., Inc., which does music arranging, teaching, performing and producing.

These talented young performers are from local elementary schools. The chorus includes: Jennifer Jewett, Melody Jewett, Jonathan Jewett, Christi Martin, Bethany Martin, Sharon Martin and Anna Martin which are part of [PATH], Parents Association for Teaching at Home. Also in the group are: Venessa Greco, Valerie Greco, Gabe Greco, Eva Greco from the Carrollton Schools, Jasmine Dominguez, Jonathan Torres and Angela Jackson from Rainbow Park Elementary, Marcus Farmer from Myrtle Grove Elementary, Paul Hoyo and George Scopetta from Key Biscayne Elementary, Ruth Ann Barr, Angela Barr, Simon White and Norman White from Perrine Elementary,

and Paul Scopetta from St. Thomas Elementary.

Mr. Speaker, we are all exceedingly proud of our brave troops. It is a special pleasure to me that the children of south Florida have chosen to revere the soldiers in this way. The words of this stirring piece aptly express their feelings, "We lift our voices in this song, wanting you to know that the children of America stand strong with you * * * We, the children of America are so proud of you." I am pleased that their wonderful young voices are raised with ours in celebrating our Nation's victory.

BETTY DUFFIE: A WOMAN FOR ALL SEASONS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. SPENCE. Mr. Speaker, on Friday, May 10, 1991, citizens from throughout South Carolina will gather to honor one of the most remarkable people I have ever known, Mrs. Mary L. "Betty" Duffie. On this date, Betty will officially retire as founder and president of the Babcock Center in Columbia, SC. The Babcock Center is recognized nationwide as a conduit for the dissemination and delivery of services to the mentally handicapped.

Betty Duffie is truly the counterpart to Sir Thomas More, whose exemplary life was the subject of award-winning dramas and films entitled "A Man For All Seasons." In south Carolina, she is the "Woman For All Seasons." Her accomplishments stagger the imagination, and her zeal and enthusiasm in championing the cause of the mentally retarded are without parallel.

Our State motto in South Carolina is "While I breathe, I hope." It is also the motto of Betty Duffie. As a pioneer in the development of community-based programs for the handicapped, she founded the Babcock Center in Columbia 25 years ago with virtually no budget. Since then, the Babcock Center has grown from a handful of children in the basement of a church to a comprehensive network of services with a budget of \$15 million per annum. From its austere beginning, the program now serves over 700 clients daily. In fact, the Babcock Center is the largest provider of community residential services in South Carolina.

Among her many achievements include the founding and organization of the first special Olympics program in South Carolina. For over 10 years, Mary served as volunteer executive director of the South Carolina Special Olympics, and her work has been recognized nationwide in making special Olympics such a huge success. One of her greatest honors was to be awarded the Order of the Palmetto, the single greatest recognition that a citizen can receive from the State of South Carolina.

Mr. Speaker, because of wonderful people like Betty Duffie, the world is a far better place. She is the epitome of model citizenship, and her career serves as a reminder that one person can make a difference.

BIG MAC ATTACK ON WASTE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1991

Mr. SCHEUER. Last month the McDonald's Corp., the Nation's largest fast-food chain, announced a major new program to reduce waste at all of its restaurants and facilities.

Each day the 8,500 McDonald's restaurants and 34 distribution centers in the United States produce over 2 million pounds of waste. Recognizing this problem, McDonald's has taken it upon itself to reduce its waste output by 80 percent over the next few years.

Working with the Environmental Defense Fund (EDF), McDonald's has developed 42 separate initiatives to reduce waste. They include switching from styrofoam food containers to paper wrappers, requiring suppliers to use packaging material that is recyclable, using starched-based utensils which can be recycled as opposed to traditional plastic utensils which cannot, and testing reusable materials instead of relying completely on disposables. They are also spending over \$100 million on their own recycling efforts.

McDonald's serves over 18 million people daily. They recognize that they are a major market power and are using this power to benefit the environment. When McDonald's talks, suppliers will listen. When McDonald's tells suppliers to use recyclable materials, suppliers will use recyclable materials.

The cooperation between McDonald's and EDF was truly unique. McDonald's gave EDF full access to its books and operations. For its part, EDF took the time to understand McDonald's operation and did not charge anything for its consulting services. Working together they developed a sensible plan, one that made a major dent in the waste problem and did not unduly interfere with McDonald's business operations.

I applaud the efforts of McDonald's and the EDF. They have done this country a great service. It is my hope that other companies, both in the fast-food industry and in other fields, will follow their example.

The next time I am in the mood for a burger, some fries, and a milk shake, I am going to the Golden Arches. I will satisfy my hunger and help the environment at the same time.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for

printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 7, 1991, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 8

9:00 a.m.

Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for defense programs, focusing on A-12 follow-on issues.

SD-192

9:30 a.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1992 for the National Aeronautics and Space Administration.

SD-138

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold hearings to examine virtual reality, a new development in advanced interactive computer technology.

SR-253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Governmental Affairs

Permanent Subcommittee on Investigations

To hold oversight hearings to examine the U.S. trade policy with Japan.

SD-342

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review the extension of fast track procedures for international trade negotiations as related to the Uruguay Round of the General Agreement on Tariffs and Trade, the North American Free Trade area, and the Enterprise for the Americas Initiative.

SR-332

Banking, Housing, and Urban Affairs

To continue hearings on proposals to reform the Federal deposit insurance system, protect the deposit insurance funds, and improve supervision and regulation of and disclosure relating to federally insured depository institutions.

SD-538

Environment and Public Works

Superfund, Ocean and Water Protection Subcommittee

To hold hearings on S. 791, to require certain information relating to radon to be made available in connection with certain real estate transactions, and to require that radon testing devices offered for sale be tested by the EPA, S. 792, to authorize funds for programs of the Indoor Radon Abatement Act of 1988, S. 779, to authorize funds for and to revise the Indoor Radon Abatement Act, S. 575, to require local educational agencies to test for and remediate radon in school buildings, and S. 455, to establish a national program to reduce the threat to human health posed by

exposure to contaminants in the air indoors. SD-406

Foreign Relations
To hold hearings to review Kurdish refugee relief efforts. SD-419

Labor and Human Resources
To hold hearings to examine the need to promote comprehensive social services for youth. SD-430

2:00 p.m.
Armed Services
To hold a briefing on the conduct of ground operations by members of the 1st Marine Division during Operation Desert Shield/Desert Storm. SH-216

Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 484, to establish conditions for the sale and delivery of water from the Central Valley Project, California. SD-366

Environment and Public Works
To resume joint hearings with the Committee on Labor and Human Resources' Subcommittee on Labor to examine the environmental and economic implications of a free trade agreement with Mexico. SD-430

Labor and Human Resources
Labor Subcommittee
To resume joint hearings with the Committee on Environment and Public Works to examine the environmental and economic implications of a free trade agreement with Mexico. SD-430

Small Business
To hold oversight hearings on small business procurement in the dredging industry. SR-428A

Select on Indian Affairs
To hold oversight hearings on the impact of the Supreme Court's ruling in *Duro v. Reina* on the administration of justice in Indian country and on proposed legislation to reaffirm the authority of tribal governments to exercise criminal jurisdiction over all Indian people on reservation lands. SR-485

Select on Intelligence
To hold closed hearings on intelligence matters. SH-219

2:30 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1992 for foreign assistance, focusing on Asia. SD-419

MAY 9

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for defense programs, focusing on NATO issues. SD-192

Armed Services
To hold a briefing on the conduct of ground operations by members of the 24th Infantry Division in their tactical

area of responsibility during Operation Desert Shield/Desert Storm. SD-G-50

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business. SD-366

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold hearings on issues relating to the use and application of lawn care chemicals. SD-406

Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings to examine issues relating to the census of the homeless. SD-342

Labor and Human Resources
To hold hearings on the nominations of David T. Kearns, of Connecticut, to be Deputy Secretary of Education. SD-430

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Federal Aviation Administration, Department of Transportation. SD-138

Banking, Housing, and Urban Affairs
To continue hearings on proposals to reform the Federal deposit insurance system, protect the deposit insurance funds, and improve supervision and regulation of and disclosure relating to federally insured depository institutions. SD-538

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to review the current situation in the Middle East, focusing on prospects for democratization. SH-216

Judiciary
Business meeting, to consider pending calendar business. SD-226

Joint Economic
To hold hearings to review the Federal Reserve, monetary policy and credit conditions. SD-628

10:45 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act. SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the U.S. Army Corps of Engineers. SD-192

Commerce, Science, and Transportation
To resume hearings on the failure of the Executive Life Insurance Company of California and Executive Life of New York. SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 395, to establish the Department of Energy's Fast Flux Test Facility (FFTF) in the State of Washington as a research and development center to be known as the Research Reactor User Complex. SD-366

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To continue hearings to review the current situation in the Middle East, focusing on regional economic issues. SH-216

Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings to examine the refugee situation in the Persian Gulf. SD-226

2:15 p.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposals to reform the Federal deposit insurance system, protect the deposit insurance funds, and improve supervision and regulation of and disclosure relating to federally insured depository institutions. SD-538

MAY 10

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed legislation to insure the safety and soundness of government sponsored enterprises. SD-538

Environment and Public Works
Environmental Protection Subcommittee
Superfund, Ocean and Water Protection Subcommittee
To hold joint hearings to examine and evaluate the Department of the Interior's report and recommendation to the Congress and final legislative environmental impact statement concerning the coastal plain of the Arctic National Wildlife Refuge in Alaska. SD-406

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold closed hearings to review Moscow Embassy construction plans. S-116, Capitol

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To continue hearings on the current situation in the Middle East, focusing on the role of the United Nations. SH-216

MAY 13

9:00 a.m.
Environment and Public Works
To hold hearings to examine various truck issues, including S. 823, to authorize funds for the improvement of highways to further international competitiveness of the U.S., and S. 965, to improve the efficiency of the existing surface transportation system. SD-406

10:00 a.m.
Energy and Natural Resources
To hold hearings on S. 570, to implement a national energy strategy, focusing on

- subtitle B of Title V, provisions relating to nuclear waste management. SD-366
- 2:00 p.m.
Commerce, Science, and Transportation Science, Technology, and Space Subcommittee
To hold hearings to examine Arctic and Antarctic monitoring. SR-253
- MAY 14
- 9:00 a.m.
Environment and Public Works
To resume hearings to examine various truck issues, including S. 823, to authorize funds for the improvement of highways to further international competitiveness of the U.S., and S. 965, to improve the efficiency of the existing surface transportation system. SD-406
- 10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for fossil energy and clean coal technology programs. S-128, Capitol
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business. SR-253
- Energy and Natural Resources
Business meeting, to consider pending calendar business. SD-366
- 2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the Tennessee Valley Authority. SD-192
- 2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. trade. SD-138
- MAY 15
- 9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business. SD-366
- Select on Indian Affairs
To hold hearings on proposed legislation authorizing funds for programs of the Native American Programs Act. SR-485
- 10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Smithsonian Institution and the National Gallery of Art. SD-116
- Armed Services
Defense Industry and Technology Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on the progress being made by the Department of Defense in supporting science, mathematics and technical education at all levels. SR-222
- Judiciary
To resume hearings on legislative proposals to strengthen crime control, focusing on the views of officials in the law enforcement field. SD-226
- 1:30 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Commission on National Service, and the Points of Light Foundation. SD-138
- Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on pipeline safety. SR-253
- Governmental Affairs
Government Information and Regulation Subcommittee
To hold hearings to examine the President's initiative for improving economic statistics. SD-342
- 2:00 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 586 and S. 711, bills to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and H.R. 355, to revise the Reclamation States Drought Assistance Act of 1988 to extend the period of time during which drought assistance may be provided by the Secretary of the Interior. SD-366
- MAY 16
- 9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 668, to authorize consolidated grants to Indian tribes to regulate environmental quality on Indian reservations. SR-485
- 9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business. SD-366
- Veterans' Affairs
To hold hearings on proposals to improve educational assistance benefits for members of the Selected Reserve of the Armed Forces who served on active duty during the Persian Gulf War, including S. 868, and on H.R. 153, to repeal certain provisions of the Veterans Judicial Review Act relating to veterans benefits. SR-418
- 10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Minerals Management Service, Department of the Interior, and the Indian Health Service, Department of Health and Human Services. SD-116
- Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the U.S. Coast Guard, Department of Transportation. SD-138
- Finance
To hold hearings to examine restoration of traditional individual retirement accounts (IRAs) in an effort to stimulate economic growth for Americans and the nation, focusing on S. 612, to encourage savings and investment through individual retirement accounts. SD-215
- Rules and Administration
Business meeting, to receive a report from the Architect of the Capitol on current projects, and to consider other pending administrative business. SR-301
- 2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on environmental restoration and waste management (defense and non-defense) and the Civilian Nuclear Waste Fund of the Department of Energy. SD-192
- 2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of John A. Hammerschmidt, of Arkansas, to be a Member of the National Transportation Safety Board. SR-253
- MAY 17
- 9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies. SD-138
- 1:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Veterans Affairs, Department of Housing and Urban Development, and independent agencies. SD-138
- MAY 21
- 10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of Energy. S-128, Capitol
- 2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the Office of Energy Research, solar and renewables research and development, and nuclear energy research and development of the Department of Energy. SD-192

2:30 p.m.
 Appropriations
 Foreign Operations Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on international AIDS crisis.
 SD-138

3:45 p.m.
 Appropriations
 Foreign Operations Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the Peace Corps expansion and change.
 SD-138

MAY 22

2:00 p.m.
 Armed Services
 Strategic Forces and Nuclear Deterrence Subcommittee
 To resume hearings on proposed legislation authorizing funds for fiscal years 1992 and 1993 for national defense programs, focusing on Department of Energy environmental restoration and waste management programs.
 SR-222

MAY 23

9:00 a.m.
 Select on Indian Affairs
 To hold hearings on S. 290, to authorize funds for certain programs of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986.
 SR-485

10:00 a.m.
 Appropriations
 Transportation Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1992 for the General Accounting Office.
 SD-138

2:00 p.m.
 Appropriations
 Energy and Water Development Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1992 for energy and water development programs, focusing on the Department of Energy.
 SD-192

Select on Indian Affairs
 To hold oversight hearings on Indian libraries, archives and information services.
 SR-485

JUNE 4

2:30 p.m.
 Appropriations
 Foreign Operations Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
 SD-138

JUNE 5

9:30 a.m.
 Appropriations
 Interior Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1992 for activities of the Secretary of the Interior, and Members of Congress.
 S-128, Capitol

Select on Indian Affairs
 To hold hearings on S. 667, to provide support for and assist the development of tribal judicial systems.
 SR-485

2:00 p.m.
 Appropriations
 VA, HUD, and Independent Agencies Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1992 for the Department of Housing and Urban Development.
 SD-138

Energy and Natural Resources
 Water and Power Subcommittee
 To hold hearings on S. 106, to revise the Federal Power Act to prohibit the granting of a Federal license for a hydroelectric project unless the applicant complies with all substantive and procedural requirements of the affected State in which the project is located with respect to water acquisition and use.
 SD-366

JUNE 6

9:00 a.m.
 Veterans' Affairs
 Business meeting, to mark up pending legislation.
 SR-418

JUNE 18

9:30 a.m.
 Governmental Affairs
 Permanent Subcommittee on Investigations
 To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
 SD-342

JUNE 26

9:30 a.m.
 Governmental Affairs
 Permanent Subcommittee on Investigations
 To resume hearings to examine efforts to combat fraud and abuse in the insurance industry.
 SD-342

JULY 16

9:30 a.m.
 Commerce, Science, and Transportation
 Surface Transportation Subcommittee
 To hold hearings on proposed legislation authorizing funds for rail safety programs.
 SR-253

CANCELLATIONS

MAY 7

1:00 p.m.
 Appropriations
 Transportation Subcommittee
 To hold hearings on proposed budget estimates for fiscal year 1992 for the National Highway Traffic Safety Administration and the Office of Inspector General, Department of Transportation.
 SD-138

POSTPONEMENTS

MAY 21

9:30 a.m.
 Governmental Affairs
 Oversight of Government Management Subcommittee
 To hold oversight hearings on enforcement of antidumping and countervailing duties.
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